
CITY OF GALLATIN COUNCIL MEETING

April 16, 2013

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order – Mayor Jo Ann Graves
- Opening Prayer – Rev. Van Banks, New Day Christian Ministries
- Pledge of Allegiance – Councilman Hayes
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: March 26, 2013 Special Called and April 2, 2013
- Public Recognition on Agenda Related Items
- Mayor's Comments

AGENDA

1. **Second Reading – Ordinance No. O13Ø2-8** amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Agricultural Residential (A) Zone District to Specific Plan (SP) Zone District – John B. Garrott, ETAL, owner(s) – 14.45 (+/-) acres – S.B.E. Tax map #149//parcels 031.00, 032.00 and 034.00 – located at 420A and 420B Odoms Bend Road (**Councilman Camp**)
2. **Second Reading – Ordinance No. O13Ø3-12** appropriating \$7,000 to various stations and groups of the Gallatin Fire Department as stipulated in a donation from the Gallatin Fire Fighters Association (**Councilman Mayberry**)
3. **Second Reading – Ordinance No. O13Ø3-14** appropriating \$213,731 for railway spur improvements from a State of Tennessee Grant and business donations (**Councilwoman Kemp**)
4. **First Reading – Ordinance No. O13Ø3-11** amending Article 8.00, Provisions for Commercial Districts and Article 11, Off-street Parking and Loading Regulations, of the Zoning Ordinance of the City of Gallatin, Tennessee by amending, Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use and Section 11.02.010.C Applicability of Regulations to Core Commercial District, in order to update Parking requirements (**Vice Mayor Alexander**)
5. **First Reading – Ordinance No. O13Ø3-13** amending Gallatin Municipal Code Chapter 2, Administration, by adding a new section 2-47, relative to Interim Pay Provisions (**Councilwoman Brackenbury**)
6. **First Reading – Ordinance No. O13Ø4-15** appropriating 2011/2012 Carry-Over Recycling Funds (**Councilman Overton**)
7. **First Reading – Ordinance No. O13Ø4-16** appropriating funds from revenue received by the Gallatin Police Department in the form of a State and Federal grant (**Councilman Hayes**)

8. **First Reading – Ordinance No. O13Ø4-17** appropriating \$37,800 received from the State of Tennessee by the Police Department for Training Supplements (**Councilman Camp**)
9. **First Reading – Ordinance No. O13Ø4-18** appropriating funds from Fund 122 Undesignated Balance (**Councilman Mayberry**)
10. **First Reading – Ordinance No. O13Ø4-19** concurring and approving amendment to the Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, in order to amend the Phase Lines, Lot Layout, Open Space, Design Standards, and increase the overall density and number of units in the Development – Property zoned R15 Planned Residential Development (R15 PRD) Zone District – Rick Halcomb, Owner – 82.83 (+/-) acres – S.B.E. Tax Map #114, part of Parcel 040.01 – located north of Long Hollow Pike (SR 174) and west of Wendling Boulevard (**Councilman Overton**)
11. **First Reading – Ordinance No. O13Ø4-21** appropriating funds from revenue received from FBIVCTF and OCDEF (**Vice Mayor Alexander**)
12. **First Reading – Ordinance No. O13Ø4-23** appropriating \$13,742 from the Codes/Planning Department to the Police Department for Salary and Benefits of the Property Maintenance Inspector (**Councilwoman Kemp**)
13. **Resolution No. R13Ø3-15** accepting public improvements by the City of Gallatin, Tennessee; Twin Eagles, Phase 8 (**Councilman Overton**)
14. **Resolution No. R13Ø4-17** approving revised Job Description for Property Maintenance Inspector and removing Job Description for Property Standards, Zoning and Housing Inspector (**Councilwoman Brackenbury**)
15. **Resolution No. R13Ø4-18** accepting Alternative Surety from the Kroger Company (**Councilman Hayes**)

- Other Business – Appointing Interim Personnel Official (**Mayor Graves**)
- Public Recognition on Non-Agenda-Related Items
- Adjourn
- Budget Discussion

City of Gallatin Special Called City Council Meeting

March 26, 2013

The Gallatin City Council met in special session on Tuesday, March 26, 2013 in the Dr. J. Deotha Malone Council Chambers in Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order before the regular Council Committee meeting began.

City Recorder Connie Kittrell called the roll and the following were present:

Vice Mayor John D. Alexander
Councilwoman Julie Brackenbury
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Ed Mayberry
Councilman Jimmy Overton

Others Present:

Rachel Nichols, Finance/IT Director
Rosemary Bates, Special Projects Director
Ronnie Stiles, Public Works Director
Joe Thompson, City Attorney
Nick Tuttle, City Engineer
Dave Crawford, Personnel Official
Don Bandy, Police Chief
Ann Whiteside, Mayor's Office

Katherine Schoch, Interim Codes/Planning Dir.
Billy Crook, Fire Chief
Connie Kittrell, City Recorder
David Brown, Leisure Services Director
James Fenton, EDA
David Kellogg, Public Utilities Department
News Examiner, Reporter
Gallatin Paper, Reporter

Mayor Graves stated there is only one item on the agenda and that is the only item to be discussed.

Agenda

1. Separation Agreement for the Codes/Planning Director

City Attorney Joe Thompson stated Resolution #R1303-16 is ratifying separation agreement with Director of Codes/Planning.

Mr. Thompson explained the process.

Special Called Council Meeting
March 26, 2013

Councilman Overton made motion to approve; Councilman Camp seconded. Motion carried with 7 ayes and 0 nays.

Adjourn

Mayor Graves adjourned the meeting.

Mayor Jo Ann Graves

City of Gallatin Council Meeting

April 2, 2013

The Gallatin City Council met in regular session on Tuesday, April 2, 2013 in the Dr. J. Deotha Malone Council Chambers in Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. The opening prayer was led by Councilwoman Julie Brackenbury and the Pledge of Allegiance was led by Councilman Craig Hayes.

City Recorder Connie Kittrell called the roll and the following were present:

Vice Mayor John D. Alexander
Councilwoman Julie Brackenbury
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Jimmy Overton

Councilman Ed Mayberry was absent.

Others Present:

Rachel Nichols, Finance/IT Director
Nick Tuttle, City Engineer
Dave Crawford, Personnel Official
Don Bandy, Police Chief
Billy Crook, Fire Chief
David Gregory, Public Utilities Director
Connie Kittrell, City Recorder/City Judge

David Brown, Leisure Services Director
Ronnie Stiles, Public Works Director
Rosemary Bates, Special Projects Director
Ann Whiteside, Mayor's Office
Katherine Schoch, Codes/Planning Office
News Examiner Reporter
Gallatin Paper Reporter

Approval of Minutes

Mayor Graves presented the minutes of the March 19, 2013 City Council Meeting for approval. Councilwoman Kemp made motion to approve; Vice Mayor Alexander seconded. Motion carried with 6 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items. With no one wishing to speak, Mayor Graves closed public recognition.

Mayor's Comments

Mayor announced upcoming events:

- SquareFest in April with the Classic Car Show
- Saturday, May 4th is the first annual Derby Day 5K Run/Walk
- Closing and dismantling of the 15 year old Project Play Playground that is in disrepair

Agenda

1. Ordinance #O1302-8 - Public Hearing

Councilman Camp presented this ordinance amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Agricultural Residential (A) Zone District to Specific Plan (SP) Zone District - John B. Garrott, ETAL, owner(s) - 14.45 (+/-) acres - S.B.E. Tax Map #140//parcels 031.00, 032.00 and 034.00 - located at 420A and 420B Odoms Bend Road.

Mayor Graves opened the public hearing.

Albert Hudson of 606 Odoms Bend Road spoke against the zoning. Mr. Hudson stated he did not want the additional trucks, noise and traffic.

Lavenia Turner Crutcher of 424 Odoms Bend Road spoke against the zoning. Ms. Crutcher stated Odoms Bend is a road and not a highway and she was opposed to the large trucks and additional traffic.

With no one else wishing to speak, the public hearing was closed.

2. Ordinance #O1303-12 - First Reading

Councilman Hayes presented this ordinance appropriating \$7,000 to various stations and groups of the Gallatin Fire Department as stipulated in a donation from the Gallatin Fire Fighters Association.

Councilman Hayes made motion to approve; Councilman Overton seconded. Motion carried with 6 ayes and 0 nays.

3. Ordinance #O1303-14 - First Reading

Councilwoman Kemp presented this ordinance appropriating \$213,731 for railway spur improvements from a State of Tennessee Grant and business donations.

Councilwoman Kemp made motion to approve; Vice Mayor Alexander seconded. Motion carried with 6 ayes and 0 nays.

Other Business

Personnel Official Dave Crawford stated he was retiring this Friday and he wanted to thank everyone for his 11 great years with the city.

Mayor announced there will be a party for Mr. Crawford this Thursday at 2:30 in the Mayor's Conference Room.

Vice Mayor Alexander thanked Mr. Crawford for his hard work and dedication to the City and congratulated him on his retirement.

Mayor Graves also announced Gallatin Electric Department Director Bill Draper's retirement party is this Friday at 1:30 at the Gallatin Electric Department on Jones Street.

Public Recognition on Non-Agenda Related Items

Mayor Graves opened public recognition on non-agenda related items.

Tommy Garrett spoke about the loss of Tony Allers due to his leaving the city, improving the civic center and micro managing department heads.

Mayor Graves informed council of the letter sent out from the Codes/Planning Department informing homeowners, corporations and banks and builders of their uncertified inspections.

Joe Debord of 1007 Hart Street spoke in favor of Mayor Graves, the payroll time/attendance software, utilizing the purchasing department and city streets and sidewalks.

Mr. Debord stated he would pay for the installation of a sidewalk in front of his home for liability purposes.

Adjourn

With no other business, the meeting was adjourned.

Mayor Jo Ann Graves

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING AGRICULTURAL RESIDENTIAL (A) ZONE DISTRICT TO SPECIFIC PLAN (SP) ZONE DISTRICT – JOHN B. GARROTT, ETAL, OWNER(S) – 14.45 (+/-) ACRES – S.B.E. TAX MAP #149//PARCELS 031.00, 032.00, AND 034.00 –LOCATED AT 420A AND 420B ODOMS BEND ROAD

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2013-10, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and imposes those recommendations as conditions to this rezoning; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property defined and described in Exhibit B, Garrott Brothers Continuous Mix Preliminary Master Development Plan, attached hereto, shall be amended from the regular zoning district of Agricultural Residential (A) zone district to the regular zoning district of Specific Plan (SP) zone district, and the Garrott Brothers Continuous Mix Preliminary Master Development Plan is hereby approved.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: March 19, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: February 26, 2013

TO: Mr. Richard Jones
Rogers Engineering Group
312 Durham Ave.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: February 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Garrott Brothers Continuous Mix, PC File: PC0095-13

At the above referenced meeting, the request for approval of a preliminary master development plan was:

- ☐ RECOMMENDED
☒ RECOMMENDED WITH CONDITIONS
☐ NOT RECOMMENDED
☐ DEFERRED

Conditions of Approval:

1. The Planning Commission approves the proposed architectural elevations as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approves the proposed landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit a detailed sign package as part of the Final Master Development Plan for review and approval by the Planning Commission. A sign permit is required prior to the installation of any signage on site.
4. The applicant shall add Parcel 31.00 to the Bulk Regulations title.
5. The applicant shall correct Maximum Building Height in the Bulk Regulations from 80 feet to 45 feet.
6. The applicant shall correct the Minimum Building Setback (collector) to Minimum Building Setback Line in the Bulk Regulations.
7. The applicant shall correct the Minimum Building/Structure Setback along Residential to Minimum Building/Structure Setback along Residential Districts.

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

8. The applicant shall correct the proposed uses in the Site Data: ready mix concrete plant-cement and/or concrete plant; sand and pea gravel offloading and hauling; transport and warehousing.
9. The applicant shall change Extensive Manufacturing to Commercial for the sand and pea gravel offloading and hauling; transport and warehousing in the Site Data.
10. The applicant shall add the following note to the plan: "The applicant shall submit a Final Master Development Plan to the Planning Commission for review and approval for the portion of the development pertaining to the process of crushing non-hazardous material (steel slag) within three (3) months from approval of rezoning request and Preliminary Master Development Plan by City Council".
11. The applicant shall correct the zoning for TVA Steam Plant in the Surrounding Property Uses to Agriculture (A) zone district.
12. The applicant shall correct and label the location of the monument sign to be 15 feet from the property line/right-of-way.
13. The applicant shall remove the label 'Signage on Wall' from the 10' High Gravel/Sand Bins.
14. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
15. The applicant shall submit four (4) corrected copies of the Preliminary Master Development Plan Documents to the Codes/Planning Department by Friday, March 1, 2013; 8 a.m.

Approval contains the following requirements:

- ☒ LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- ☒ CITY COUNCIL APPROVAL
 - Council Committee: 3/12/13
 - 1st Reading at City Council: 3/19/13
 - Ad runs for Public Hearing by Codes/Planning Department: 3/13/13
 - Public Hearing at City Council: 4/2/13
 - 2nd Reading at City Council: 4/16/13

CITY COUNCIL SUBMITTAL:

- ☒ SUBMIT 14 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 13 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- ☒ SUBMIT 5 COPIES OF THE ARCHITECTURAL PLAN AND 7 SETS OF THE PICTURES

cc: Mr. John Garrott
PC File PC0093-13
Mayor Jo Ann Graves
Joe Thompson, City Attorney

EXHIBIT A

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. 01302-8 TO THE GALLATIN CITY COUNCIL - ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING AGRICULTURAL RESIDENTIAL (A) ZONE DISTRICT TO SPECIFIC PLAN (SP) ZONE DISTRICT – JOHN B. GARROTT, ETAL, OWNER(S) – 14.45 (+/-) ACRES – S.B.E. TAX MAP #149//PARCELS 031.00, 032.00, AND 034.00 – LOCATED AT 420A AND 420B ODOMS BEND ROAD – PC0095-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Rogers Engineering Group, at its regular meeting on February 25, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment and Preliminary Master Development Plan to the Gallatin City Council with the following conditions:

1. The Planning Commission approve the proposed architectural elevations as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approve the proposed landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.

EXHIBIT A

3. The applicant shall submit a detailed sign package as part of the Final Master Development Plan for review and approval by the Planning Commission. A sign permit is required prior to the installation of any signage on site.
4. The applicant shall add Parcel 31.00 to the Bulk Regulations title.
5. The applicant shall correct Maximum Building Height in the Bulk Regulations from 80 feet to 45 feet.
6. The applicant shall correct the Minimum Building Setback (collector) to Minimum Building Setback Line in the Bulk Regulations.
7. The applicant shall correct the Minimum Building/Structure Setback along Residential to Minimum Building/Structure Setback along Residential Districts.
8. The applicant shall correct the proposed uses in the Site Data: ready mix concrete plant-cement and/or concrete plant; sand and pea gravel offloading and hauling; transport and warehousing.
9. The applicant shall change Extensive Manufacturing to Commercial for the sand and pea gravel offloading and hauling; transport and warehousing in the Site Data.
10. The applicant shall add the following note to the plan: "The applicant shall submit a Final Master Development Plan to the Planning Commission for review and approval for the portion of the development pertaining to the process of crushing non-hazardous material (steel slag) within three (3) months from approval of rezoning request and Preliminary Master Development Plan by City Council".
11. The applicant shall correct the zoning for TVA Steam Plant in the Surrounding Property Uses to Agriculture (A) zone district.
12. The applicant shall correct and label the location of the monument sign to be 15 feet from the property line/right-of-way.
13. The applicant shall remove the label 'Signage on Wall' from the 10' High Gravel/Sand Bins.
14. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
15. The applicant shall submit four (14) corrected copies of the Preliminary Master Development Plan Documents to the Codes/Planning Department by Friday, March 1, 2013; 8 a.m.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 6

NAY: 0

DATED: 02/25/2013

EXHIBIT A

Dick Dempsey

Dick Dempsey, Chairman

Johnny Wilson

Johnny Wilson, Secretary

APPROVED AS TO FORM:

Joe H. Thompson
JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ITEM 4
2/25/13 GMRPC MEETING

Public Comment

Applicant requests approval of a Preliminary Master Development Plan to rezone 14.35 (+/-) acres from Agricultural (A) to Specific Plan District (SP) for the Garrott Brothers Continuous Mix Development located at 420A and 420B Odoms Bend Road. (PC0095-13)

Attachment 4-1	Garrott Brothers Continuous Mix Development PMDP
Attachment 4-2	Ordinance O1302-8
Attachment 4-3	Rezoning Request letter from Richard M. Jones dated February 14, 2013
Attachment 4-4	Response letter from Richard M. Jones dated February 14, 2013
Attachment 4-5	Photograph of Concrete Ready Mix Plant
Attachment 4-6	Architectural Elevation - Breakroom/Restroom Building

ANALYSIS

The applicant is requesting approval of a Preliminary Master Development Plan to rezone 14.35 acres (+/-) from Agricultural (A) to SP Specific Plan District (SP) for the Garrott Brothers Continuous Mix Development. The property is located at 420A and 420B Odoms Bend Road and is currently zoned Agricultural (A). The property is located outside the city limits of Gallatin, but located in the Gallatin Planning Region and Urban Growth Boundary. A portion of the property is located in Zone AE which is a special flood hazard area.

The applicant brought forth the rezoning request to the Planning Commission Work Session on February 11, 2013. Originally the applicant requested the property to be rezoned to an Industrial General (IG) zone district. Through discussion with the Planning Commission, the applicant and Staff agreed that the proposed activities and uses for this property would be better suited under a Specific Plan (SP) zone district, which requires the approval of a Preliminary Master Development Plan.

Background

The existing site consists of three (3) tax map and parcels incorporated into the two (2) tracts of land for the proposed development. The northern tract located along Odoms Bend Road consists of Parcel 34.00 where the proposed concrete ready mix plant will be located. The northern tract is primarily vacant except for the two (2) small old truck/parts storage areas and an access road from Odoms Bend Road, which it leads to the United States Corps of Engineer (USCOE) property located along Old Hickory Lake and the southeastern tract.

The southeastern tract is located along Old Hickory Lake adjacent to the east of the (USCOE) property and consists of Parcel 31.00 and Parcel 32.00. Parcel 32.00 is the Anderson Cemetery and no development is to occur within that area. Parcel 31.00 consists of storage piles for sand or pea gravel which would be unloaded from a dock located on (USCOE) property to a conveyor system leading to the storage piles. On Parcel 31.00 the Uniserve Corporation has an existing operation for the process of crushing non-hazardous materials (steel slag) and piles of steel are located on site. An addition unloading dock is located along Old Hickory Lake near this operation on the USCOE property.

EXHIBIT A

The owner of the property is requesting a rezoning in order to construct a concrete ready mix plant on the northern tract. The other purpose of this rezoning request is to bring an existing, legal non-conforming use, including the offloading and hauling operation of sand and pea gravel on portion of the southeastern tract, into compliance with the Gallatin Zoning Ordinance. The use classification for the sand and pea gravel offload and haul is transport and warehousing.

Also the applicant would like to bring the existing, non-conforming use of crushing non-hazardous materials (steel slag) into compliance with the Gallatin Zoning Ordinance. It is important to note that this particular use is currently considered a zoning violation because there is no approved site plan for this use on this property. The use classification for the process of crushing non-hazardous materials (steel slag) is steel works (other than those listed).

Specific Plan District (SP)

- The Specific Plan District (SP) was adopted as a new zone district by the City Council in May 2011 and is intended to be an alternative zoning process that permits any land uses, mixture of land uses, and alternative development standards, as may be required to address the unique characteristics of an individual property through a comprehensive site specific zoning plan.
- The SP zone district regulations require that a site specific zoning plan be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development.
- The site specific zoning plan must also comply with the building, fire and life safety codes adopted by the City of Gallatin and can be applied to any property in the city and planning region.
- The proposed uses, bulk regulations, site design, landscaping and architectural standards for each SP zone district are established as part of the approval of the Preliminary Master Development Plan for the development.

Gallatin on the Move 2020 General Development and Transportation Plan

The *Gallatin on the Move 2020 General Development and Transportation Plan* identifies the Garrett Brothers Continuous Mix property on the Community Character Area Map as being located in the Rural Community Character Area adjacent to the Steam Plant Special Character Area. The Plan describes the Steam Plant as a district or area that presently does not fit or is envisioned fitting into the other categories and having singular characteristics not likely to be replicated elsewhere in the community. Much of this character area is currently undeveloped, except for the Steam Plant, and presents a unique opportunity for industrial growth adjacent to existing agricultural area while preventing adverse impacts to natural resources and surrounding population.

The proposed primary land uses applicable for the Steam Plant area are transportation, communication and utilities and the applicable zone districts are Industrial Restrictive (IR) and Industrial General (IG). The Specific Plan (SP) zoning designation will enable the property to be developed as an industrial site with specific uses and site regulations to prevent adverse impacts to natural resources, including Old Hickory Lake, and other surrounding properties.

Proposed Specific Plan (SP) Zoning

The Garrett Brothers Continuous Mix Development is envisioned to be an industrial site development that will have a limited amount of land uses approved as part of the zoning plan, including commercial and industrial. The proposed activities and uses are as follows:



Northern Tract:

- Parcel 34.00 - The proposed industrial activity for this portion of the development is Extensive Manufacturing Activity with a proposed use of Cement and/or Concrete Plant.

Southeastern Tract:

- Portion of Parcel 31.00 – The proposed commercial activity for this portion of the development is Commercial with a proposed use of Transport and Warehousing.
- Portion of Parcel 31.00 – The proposed industrial activity for this portion of the development is Extensive Manufacturing with a proposed use of Steel Works (other than those listed) - process of crushing non-hazardous materials (steel slag).
- Parcel 32.00 – No activity or use has been identified on the PMDP for this portion of the development.

The applicant has submitted the Preliminary Master Development Plan (PMDP) documents as required by Gallatin Zoning Ordinance Section 07.09.040, Specific Plan District. The PMDP establish the uses, bulk regulations, site design, landscaping and architectural standards for the entire development.

Preliminary and Final Master Development Plan Process

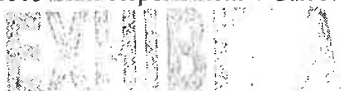
The review and approval process are outlined in Section 07.09.040 of the Gallatin Zoning Ordinance. In addition, any modifications or revisions of the Master Development Plan are outlined in Section 07.09.04.C and procedures to amend a Preliminary Master Development Plan or Final Master Development Plan are outlined in Section 07.09.040.E. The Planning Commission will review the proposed PMDP and rezoning request and make a recommendation to the City Council.

Use Standards and Bulk Regulations

The applicant has worked with Staff to review and develop the proposed uses as well as the site and development standards as necessary for the Garrott Brothers Continuous Mix Development to operate on this property. The proposed bulk regulations and standards are based on the Industrial General (IG) zone district with some modifications. The permitted uses and bulk regulations for the development are outlined in the PMDP and rezoning exhibit. Development regulations and performance standards not addressed in the PMDP and will be governed by the Zoning Ordinance.

Architectural Design Standards

To ensure a consistent design standard throughout the development stone, brick and/or concrete split-face block materials shall be used as the predominant exterior façade materials. This standard is set forth for the principle building and accessory structures. Concrete stacked blocks may be used for earthen material storage areas that require screening. Metal siding may be used for structures that are attached to the processing or manufacturing equipment. To ensure a consistent color standard throughout the development, earth tone colors shall be used as the predominant exterior façade colors for the principle building and accessory structures. Architectural design standards not addressed in the PMDP will be governed by the Zoning Ordinance. The applicant has submitted a photograph of the proposed machinery and architectural elevations of the proposed Breakroom/Restroom Building; please refer to Attachments 4-5 and 4-6. Staff is comfortable with the conceptual photograph and architectural elevations as submitted since they meet the requirements for a SP zone district. The applicant shall submit final architectural elevations of the



proposed building as part of the Final Master Development Plan for Planning Commission approval.

Landscape Design Standards

The bufferyards and screening provisions for the SP zone district are to improve, enhance, and safeguard the physical appearance of the development. The sustainability of the natural surrounding the development is important in preventing adverse impacts to the natural resources and the surrounding population. The existing mature trees and vegetation shall be saved and utilized as much as possible in the required bufferyards. A Type 50 Bufferyard is required along all residential districts and a Type 25 Bufferyard is required along the collector street (Odoms Bend Road). Areas of the development that do not utilize existing mature trees and vegetation, bufferyards, interior landscaping and parking area screening requirements shall follow the Performance Standards governed by the Zoning Ordinance. Staff is comfortable with the conceptual landscaping plan as submitted since it meets the requirements of the SP zone district. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.

Free Standing and Wall Mounted Sign Standards

It is important that the free standing and wall mounted signs for this development are aesthetically pleasing since they will impact the surrounding agricultural properties. One (1) free standing sign shall be permitted along the public right-of-way for the development whether the development has a single or multiple occupants. The face of any one (1) sign shall be less than or equal to one (1) square foot per one (1) linear foot of street frontage, but in no case shall a sign exceed one hundred (100) square feet. The free standing sign shall have a height limit of six (6) feet.

In the development, whether the development has a single or multiple occupant(s), each independent business or use having an outside public entrance may have a wall mounted signage in an amount to one (1) square foot per one (1) linear foot of front face of the business. In no case shall signage for any one (1) façade be greater than one hundred twenty (120) square feet.

The applicant shall submit a detailed sign package as part of the Final Master Development Plan for review and approval by the Planning Commission. A sign permit is required prior to the installation of any signage on site.

Utility Districts

The property is currently being serviced by the following utility owners. The electrical service is provided by Cumberland Electric Membership Corporation, the water service is provided by Castilian Springs-Bethpage Utility District. Road maintenance is provided by the Sumner County Highway Department. The property has a private sanitary sewer septic system and no natural gas service is available to site.

Engineering Division Comments

The applicant has satisfactorily addressed the Engineering Division review comments. The applicant has submitted a Traffic Impact Study to the Engineering Division and it is currently under review.

Other Departmental Review Comments

The applicant has satisfactorily addressed the other departmental review comments.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the rezoning request and Preliminary Master Development Plan for the Garrott Brothers Continuous Mix Development to City Council with the following conditions:

1. The Planning Commission approve the proposed architectural elevations as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approved the proposed landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit a detailed sign package as part of the Final Master Development Plan for review and approval by the Planning Commission. A sign permit is required prior to the installation of any signage on site.
4. The applicant shall add Parcel 31.00 to the Bulk Regulations title.
5. The applicant shall correct Maximum Building Height in the Bulk Regulations from 80 feet to 45 feet.
6. The applicant shall correct the Minimum Building Setback (collector) to Minimum Building Setback Line in the Bulk Regulations.
7. The applicant shall correct the Minimum Building/Structure Setback along Residential to Minimum Building/Structure Setback along Residential Districts.
8. The applicant shall correct the proposed uses in the Site Data: ready mix concrete plant-cement and/or concrete plant; sand and pea gravel offloading and hauling; transport and warehousing.
9. The applicant shall change Extensive Manufacturing to Commercial for the sand and pea gravel offloading and hauling; transport and warehousing in the Site Data.
10. The applicant shall add the following note to the plan: "The applicant shall submit a Final Master Development Plan to the Planning Commission for review and approval for the portion of the development pertaining to the process of crushing non-hazardous material (steel slag) within three (3) months from approval of rezoning request and Preliminary Master Development Plan by City Council".
11. The applicant shall correct the zoning for TVA Steam Plant in the Surrounding Property Uses to Agriculture (A) zone district.
12. The applicant shall correct and label the location of the monument sign to be 15 feet from the property line/right-of-way.
13. The applicant shall remove the label 'Signage on Wall' from the 10' High Gravel/Sand Bins.
14. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
15. The applicant shall submit four (14) corrected copies of the Preliminary Master Development Plan Documents to the Codes/Planning Department by Friday, March 1, 2013; 8 a.m.

EXHIBIT A

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

Project Comments

Meeting Date: 02/25/2013

RE: GARROTT BROTHERS CONTINUOUS MIX, Rezoning without PMDP

Reference #: PC0095-13

Department of Public Utilities

Review Date: 02/04/2013

1. No sanitary sewer available to this site.
2. Site is in Castalian Springs/Bethpage Utility District area for water service.

Planning Department

Review Date:

Codes/Planning Department Project Manager: Robert Kalisz

Review Date: 2/8/2103

1. Remove Sheet 3 of 3.
2. Remove General notes pertaining to development of site.
3. Remove project description and edit site history by removing line about concrete plnat between 2000-2001.
4. Add parcel 32.00 (Anderson Cemetery) in general notes, site data table, and site layout.
5. Add, move, or remove any information concerning bulk regulations in site data table.
6. Correct utilities owners as note.
7. Show and label all existing structures, storage areas, operations, docks, etc. and enhance these areas on the rezoning exhibit.
8. Show and label setbacks, yards, and bufferyards on rezoning exhibit.
9. Refer parcel 32.00 (Anderson Cemetery) as part of Garrott Bros. ownership.
10. Remove proposed use in site data table.
11. Add a statement purpose stating to rezone from Agricultural (A) to Industrial General (IG) two (2) tracts of land containing 14.35 (+/-) acres.
12. Show and label city limits and location map.
13. Show and label any information concerning the size and location of cemetery (length, width, square footage). No development in cemetery area.
14. Submit copy of signed affidavit for public note letter at appropriate time.
15. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.
16. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats,

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.

17. Submit a detailed response letter addressing all departmental review comments.

18. RETURN CHECKPRINT & CHECKLIST

19. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on February 14, 2013.

20. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes Department

Review Date: 02/06/2013

No comments

Engineering Division

2-20-2013 JZW Resubmittal:

TIS has been submitted, but not approved yet.

2-5-2013 JZW:

1. Provide Traffic Impact Study (TIS) addressing the following: -109/Odoms Bend intersection as it will be built with the TDOT 109 bridge project (sight distance issues, LOS, Signal Warrant, etc.) - Odom's Bend width and adequacy for increase in truck traffic -Existing and projected traffic generation numbers from facility -Site access sight distance issues -Any other potential traffic related issues facility might cause or be perceived to cause

2. Add note: Approval of this zoning request is conditioned upon the approval of an appropriate traffic impact study by City Engineer, and construction and implementation of those improvements and policies identified in the study.

3. Add note: Approval of this zoning request is conditioned upon the approval of an appropriate stormwater management plan addressing all local, state, and federal stormwater quality and quantity requirements approved by City Engineer, and construction and implementation of those improvements and policies identified in the plan.

Fire Department

Review Date: 02/05/2013

No comment

Police Department

Review Date: 02/05/2013

Reviewed: no comments

Gallatin Department of Electricity

Review Date: 02/05/2013

Not in GDE's service area. Cumberland Electric services this area.

EXHIBIT A

EXHIBIT A

ATTACHMENT

4-3



ROGERS ENGINEERING GROUP

312 Durham Avenue North, Suite A
Gallatin, TN 37066
Tele: (615) 230-7269
Fax: (615) 230-7271

February 14, 2013

City of Gallatin
Planning Department
132 W. Main Street
Gallatin, TN 37066

RECEIVED
FEB 14 2013

GALLATIN PLANNING
& ZONING

Re: **Rezoning & Development Plans Garrott Brothers Continuous Mix**
420A & 420B Odoms Bend Road
Tax Map 149, Parcels 34.00 & 31.00, D.B.531, PG.476 & 495 R.O.S.C., TN
Request for Rezoning of 6.94 ±Ac and 7.51±Ac (total 14.45± AC)
from A to SP (Specific Plan District)
Grounds for Amendment

Mr. Allers,

This document is to present our case for the
acreage. Each topic will be listed and discussed below.

rezoning of the above noted

General Facts and Land Use Compatibility

Garrott Brothers Continuous Mix desires to set up a permanent concrete plant on this site and more specifically on Parcel 34.00 (being near Odoms Bend Road). This site is presently used as access to the Garrott Brothers sand offload from the Cumberland River. For the past 30+ years Garrott Brothers has been utilizing this site and dock for sand offload and delivery to their continuous mix plants. As shown on the exhibit, the offload dock, scales, a portion of the loading hoppers, and conveyors are on USACOE property being leased by Garrott Brothers. The tracts considered are presently zoned in Sumner County but are in the Gallatin Planning Region. The present zoning of the area is "A". The 2020 Character Map for this area is Rural Community. The adjacent parcel to the east bordering these two (2) parcels is approximately 20± AC, zoned "A", and fits with the Character Map. However, the Character Map addresses the Steam Plant area as a "Special Area" ("does not fit or is not envisioned fitting into the other categories presented"). Between the Garrott property and the Steam Plant lies approximately 500' with 90' being the area next to the River of the adjacent parcel and approximately 410' beyond being USACOE property. This is to the east of the property. To the west (Zoning "A") of the property

RESUBMITTAL

PC0095-13

EXHIBIT A

ATTACHMENT

4-3

is the abandoned Gallatin Boat Plant property with a large industrial-type building on the river. To the north (across Odoms Bend Road) as "A" zoning that again fits with the Character Map. We believe this zoning change fits with the overall Character Map due to its long-term use and its proximity to long-term SP property. This site is presently and will continue to be used as a sand offload, storage, and haul site. It is due to this existing long-term use of the site, the site's proximity to the Steam Plant property and being adjacent to the USACOE property, we do not believe this rezoning will present a negative impact on the overall plan of this community.

Sanitary Sewer, Water Services and Gas Services

Water Service is by Castalian Springs Water. A 4" water main lies to the north of this property and runs along the north side of Odoms Bend Road. Pressure is adequate for normal service per Castalian Springs Water District. Septic is private, therefore no additional demands will be placed on a public sewer system.

Environmental Impact on Adjacent Properties

This site is heavily wooded along the parcel borders. We believe any further development on these parcels will not be significant in auditory, visual, odor or any similar impacts.

Storm Water Runoff

Stormwater runoff will, of course, be controlled with any future development. The stormwater from these parcels outfalls into the Cumberland River.

Present Utilization

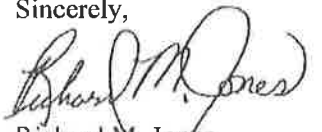
Much of this acreage has been used over time for some sort of industrial usage. The rezoning will bring the site into conformance with zoning and will require a Site Plan approval for any future uses.

Impact on Community Facilities

We do not believe the rezoning of these parcels will have any significant impact on community facilities (schools, hospitals, etc).

If our office can supply and additional needed information, please contact us at your convenience.

Sincerely,


Richard M. Jones
Rogers Engineering Group

RECEIVED
FEB 14 2013

GALLATIN PLANNING
& ZONING

RESUBMITTAL

PC 0095-13



EXHIBIT A

ATTACHMENT

4-4

ROGERS ENGINEERING SERVICES INC.

312 Durham Avenue North, Suite A
Gallatin, TN 37066
Tele: (615) 230-7269
Fax: (615) 230-7271

February 14, 2013

City of Gallatin
Planning Division
132 West Main Street
Gallatin, Tennessee 37066

Re: **PMDP**
Garrott Brothers Continuous Mix
420A & 420B Odoms Bend Road
Gallatin, TN 37066
PC File Number: PC0095-13

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FEB 14 2013

GALLATIN PLANNING
& ZONING

Mr. Kalisz:

We are submitting one (1) full size and fifteen (15) half-size plans of the above-mentioned project along with a digital file with the plans in .pdf and .dwg format. Addressed below are the project comments dated 2-8-13.

Dept. of Public Utilities

1. Understood.
2. Water utility provider changed to Castalian Springs / Bethpage Utility District.

Planning Department

1. Removed sheet 3 of 3.
2. Removed General Notes pertaining to site development.
3. Removed project description. Edited site history.
4. Parcel 32.00 (Anderson Cemetery) added to General Note #6, Site Data Table and Site Layout.
5. Modified Site Data Table to reflect comments.
6. Water and Electric Utility Owners corrected.
7. Existing structures and storage areas have been labeled and the line weight has been increased.
8. All Setbacks, Yards, and Bufferyards have been added to Rezoning Exhibit.

RESUBMITTAL

PC0095-13

9. Parcel 32.00 (Anderson Cemetery) added to General Note #6, Site Data Table and Site Layout.
10. Removed Proposed Use in Site Data Table.
11. Added a "Purpose" Note stating request to rezone.
12. City Limits added to Vicinity Map.
13. Boundary of Anderson Cemetery is shown on plans. Area is shown as a rectangle 50' x 100', however the actual location of the boundary is undefined.
14. Affidavit will be submitted at appropriate time.
15. 16 sets of plans are being submitted.
16. Digital files are being submitted with this set of plans.

Codes Department

No Comments

Engineering

1. Submitted by R.G. Phillips on 2-12-13.
2. Note added (General Note #16).
3. Note added (General Note #17).

Fire Department

No Comment

Police Department

No Comment

Gallatin Department of Electricity

1. Changed Utility Owner to CEMC.

Sumner County, E-911

No Comment

Industrial Pretreatment

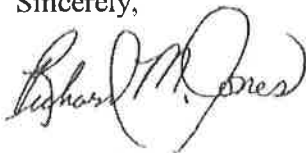
No Comment

RECEIVED
FEB 14 2013

GALLATIN PLANNING
& ZONING

If our office may be of further assistance to you on this project please contact us at your convenience.

Sincerely,



Richard M. Jones, P.E.
Rogers Engineering Group, Inc.

ATTACHMENT 4-4

EXHIBIT A

RESUBMITTAL

PC0095-13

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

MARCH 12, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 3

SUBJECT:

Ordinance #O1302-8 amending the Zoning Ordinance of the City of Gallatin, Tennessee by amending property located at 420A and 420B Odoms Bend Road.

SUMMARY:

Applicant request approval to amend the Zoning Ordinance of the City of Gallatin, Tennessee by amending Agricultural Residential (A) zone district to Specific Plan (SP) zone district. Property contains 14.45 (+/-) acres, S.B.E. Tax Map 136//Parcels 031.00, 032.00, and 034.00. Property is located at 420A and 420B Odoms Bend Road. This rezoning was recommended with conditions at the February 25, 2013 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

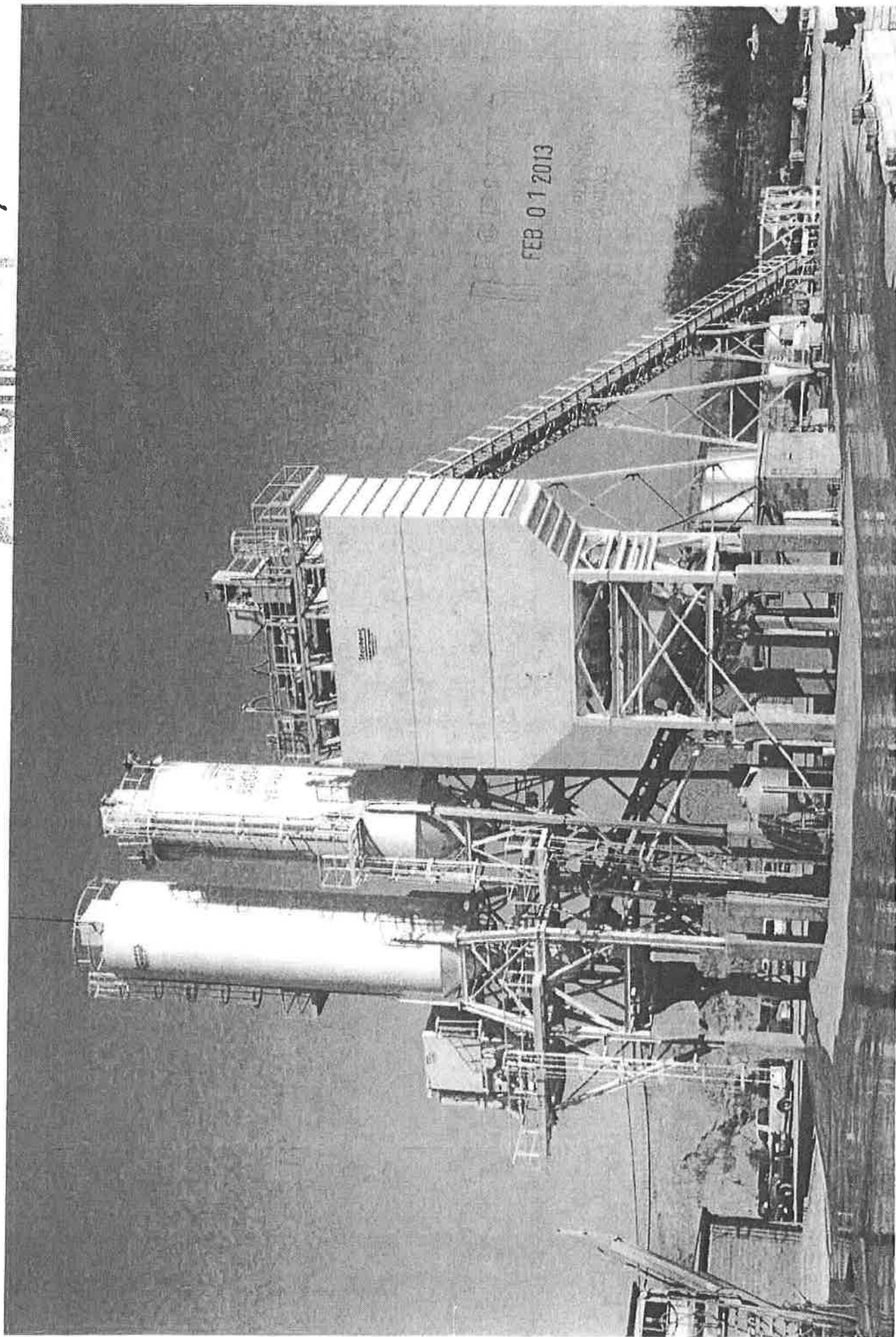
Approved ☒
Rejected ☐
Deferred ☐

Notes:

EXHIBIT A

ATTACHMENT

4-5

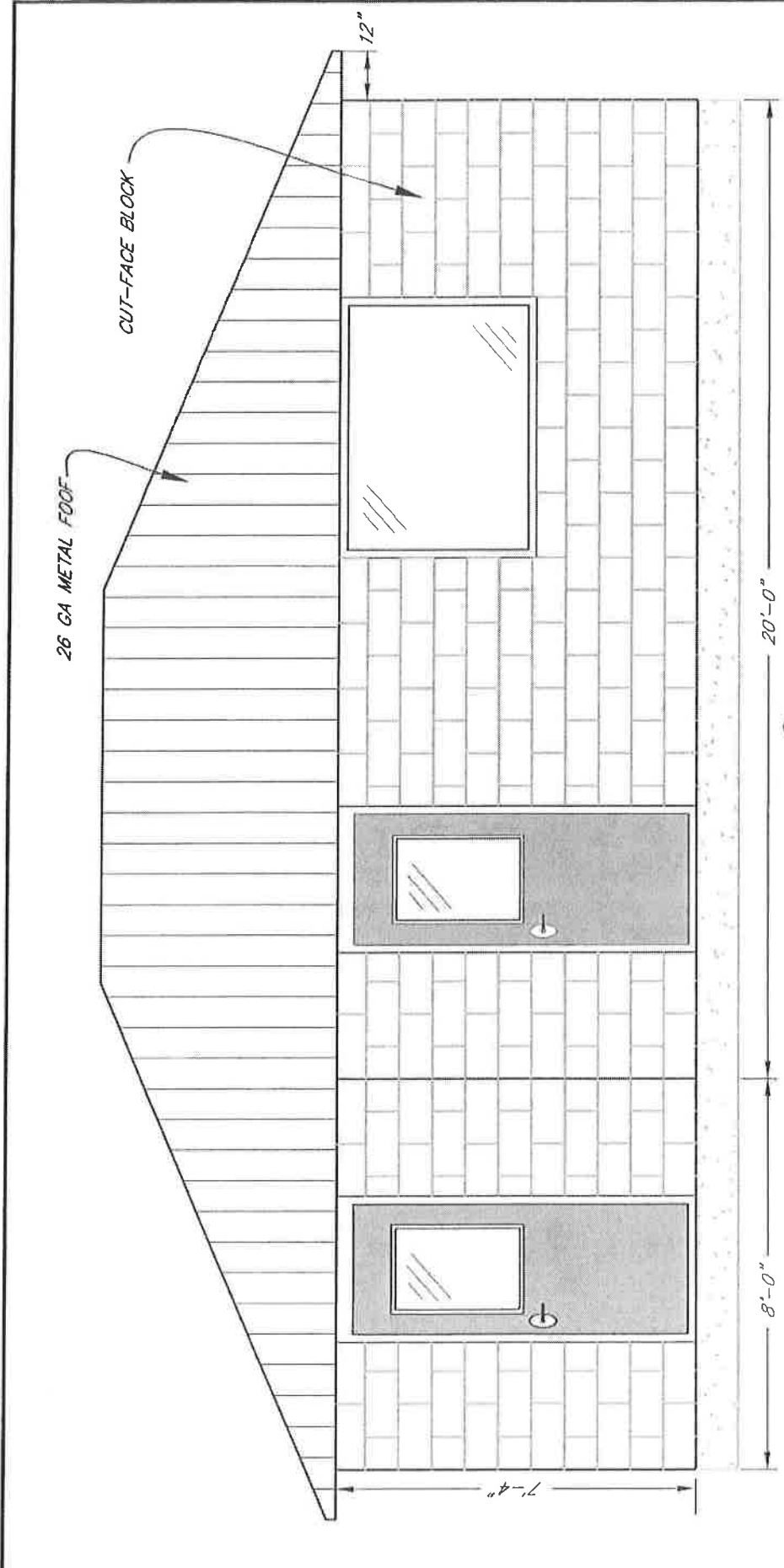


FEB 01 2013

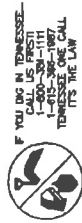
EXHIBIT A

PC0045-13

ATTACHMENT 4-6



GARROTT BROTHERS	
BREAK ROOM & RESTROOM	
SCALE: 1/2" = 1'-0"	REVISIONS
DATE: 14 FEBRUARY 2017	JOB #13-004
ROGERS ENGINEERING GROUP 312 DURHAM AVENUE NORTH, SUITE A GALLATIN, TENNESSEE 37068 TEL: 615-230-7269 FAX: 615-230-7271 rjones@rogersgroupinc.com	
ELEVATIONS	
A-1 of 1	



ROGERS ENGINEERING GROUP
 312 DURHAM AVENUE NORTH, SUITE A
 Gallatin, Tennessee 37068
 TEL: 615-230-7269 FAX: 615-230-7271
 rjones@rogersgroupinc.com



PC0095-13

EXHIBIT A

ORDINANCE NO. 01303-12

ORDINANCE APPROPRIATING \$7,000 TO VARIOUS STATIONS AND GROUPS
OF THE GALLATIN FIRE DEPARTMENT AS STIPULATED IN A DONATION
FROM THE GALLATIN FIRE FIGHTERS ASSOCIATION

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of
\$7,000 is hereby appropriated from account 110-36700, Donations, as follows:
\$1,000 to the Gallatin Fire Department Fire Prevention Clown Show, 11042220-329-48,
\$1,000 to the Gallatin Fire Department Honor Guard, 11042220-329-49,
\$2,000 to be used at the discretion of personnel at Station 1, 11042220-329-50,
\$1,000 to be used at the discretion of personnel at Station 2, 11042220-329-51,
\$1,000 to be used at the discretion of personnel at Station 3, 11042220-329-52,
\$1,000 to be used at the discretion of personnel at Station 4, 11042220-329-53, and,

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this Ordinance shall take effect from and after its final passage, the public welfare
requiring such.

PASSED FIRST READING: April 2, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

To: Rachel Nichols, City of Gallatin Finance Director

FR: Gallatin Firefighters Association

RE: Contributions

Rachel,

This is a letter stating the contributions given by the Gallatin Firefighters Association to the City of Gallatin, to be distributed out as follows, 11042220 - 329 -

\$1,000 to the Gallatin Fire Department Fire Prevention Clown Show - 48

\$1,000 to the Gallatin Fire Department Honor Guard. - 49

\$2,000 to be used at the discretion of the personnel assigned to Gallatin Fire Station 1 - 50

\$1,000 to be used at the discretion of the personnel assigned to Gallatin Fire Station 2 - 51

\$1,000 to be used at the discretion of the personnel assigned to Gallatin Fire Station 3 - 52

\$1,000 to be used at the discretion of the personnel assigned to Gallatin Fire Station 4 - 53

The total amount is \$7,000. 110 - 36700

Sincerely,

Ben Harris

President

Charles Johnson

Vice President

Kyle Hamill

Secretary / Treasurer

Gallatin Firefighters Association

Local 4501

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

3/26/2013

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Appropriate funds as stipulated in donation to Fire Department

SUMMARY:

Appropriate funds donated to the Gallatin Fire Department, to be used as stipulated in the donation letter.

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved	<input checked="" type="checkbox"/>
Rejected	<input type="checkbox"/>
Deferred	<input type="checkbox"/>

Notes:

ORDINANCE NO. 01303-14

ORDINANCE APPROPRIATING \$213,731 FOR RAILWAY SPUR
IMPROVEMENTS FROM A STATE OF TENNESSEE GRANT AND BUSINESS
DONATIONS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$166,710 is hereby appropriated from account 110-33490-54, State Grants – Railway Spur Improvements, and \$47,021 is hereby appropriated from account 110-36710, Donations from Businesses, to account 11047100-939-54, EDA Improvements Railway Spur, totaling \$213,731, for the purpose of improving the railway spur to ABC Group Fuel and Hoeganaes, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: April 2, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

3/26/2013

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Appropriate funds for railway spur improvements

SUMMARY:

Appropriate funds for railway spur improvements

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE AMENDING ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, AND ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING, SECTION 08.01.010, USES AND STRUCTURES, IN ORDER TO ADD THE UNDERTAKING SERVICE USE AND SECTION 11.02.010.C APPLICABILITY OF REGULATIONS TO CORE COMMERCIAL DISTRICT, IN ORDER TO UPDATE PARKING REQUIREMENTS

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2013-17, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 08.01.010, Uses and Structures, shall be amended by deleting the section in its entirety and replacing it with the following:

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

- Single Family Dwelling
- Attached Dwelling
- Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

- Place of Worship
- Essential Service
- Community Assembly
- Non-assembly Cultural
- Administrative
- Utility
- Vehicular

Commercial Activities

- Convenience Sales and Service - Two-Pump Maximum
- Automotive Parking (Limited Lot)
- Transient Habitation
- Food Service
- General Personal Service
- Financial, Consulting and Administrative

Business and Communication Service
General Retail Sales and Service
Consumer Laundry and Repair
Retail Business Supply
Group Assembly – Limited
Medical Services
Undertaking Services

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 11.02.010.C, Applicability of Regulations to Core Commercial District, shall be amended by deleting the section in its entirety and replacing it with the following:

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE TO THE GALLATIN CITY COUNCIL AMENDING ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, AND ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING, SECTION 08.01.010, USES AND STRUCTURES, IN ORDER TO ADD THE UNDERTAKING SERVICE USE AND SECTION 11.02.010.C APPLICABILITY OF REGULATIONS TO CORE COMMERCIAL DISTRICT, IN ORDER TO AMEND CORE COMMERCIAL PARKING REQUIREMENTS – PC0106-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the zoning amendment submitted by the applicant, City of Gallatin, at its regular meeting on March 25th, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment to the Gallatin City Council.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

EXHIBIT A

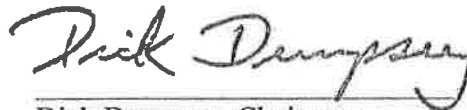
IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 6

NAY: 0

DATED: 3/25/13



Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

EXHIBIT A

ITEM 6 3/25/13 GMRPC MEETING

Public Comment

The City of Gallatin requests approval to amend the Gallatin Zoning Ordinance, Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use to the Core Commercial (CC) zone district and update Section 11.02.010.C, Applicability of Regulations to Core Commercial District, in order to update parking requirements for the CC zone district. (PC0106-13)

Attachment 6-1 Ordinance No. 01303-11

Attachment 6-2 Proposed Changes to GZO Section 08.01.010 and 11.02.010.C

ANALYSIS

The City of Gallatin is requesting a recommendation of approval to amend Gallatin Zoning Ordinance Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use to the Core Commercial (CC) zone district and update Section 11.02.010.C, Applicability of Regulations to Core Commercial District, in order to update parking requirements for the CC zone district.

Staff was asked whether or not a funeral home was a permitted use within the CC zone district and Staff realized it was not a permitted or conditional use. Upon further investigation, Staff realized that Undertaking Service is a permitted use in both the Commercial General (CG) and Commercial Services (CS) zone districts. Staff spoke with the Fire Marshall to determine if potential fire hazards with crematoriums was a reasoning for excluding the Undertaking Service use from the CC zone district due to the more compact building pattern of the core commercial area. The Fire Marshall said there would be no fire hazards associated with a crematorium due to the regulations place on the installation and operation of a crematorium. Staff thinks the use was inadvertently left out of the CC zone district and should be added since it is consistent with the other types of permitted uses in the zone district. Additionally, there is very little property zoned CC in the City, most of which is located in downtown Gallatin.

The Gallatin Zoning Ordinance, in Section 11.02.010.C, provides regulations for parking within the Core Commercial zone district. This section states that no parking is required within the CC zone district whether it is a permitted or a conditional use. This section does provide a cap or maximum on how much parking is allowed if a project proposes parking within the CC zone district. This amendment will amend the wording of this section to include parking requirements that are based on the capacity of assembly spaces, such as a funeral home. There are other existing permitted uses within the CC zone district that have parking based on capacity, such as Place of Worship, Community Assembly, and Food Service. The amended wording is shown below.

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

- 1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, 50 percent (50%) of the maximum capacity in largest the place of public assembly, or 200 spaces*

per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.

2. *For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in largest the place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.*

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed amendment to City Council.

ORDINANCE AMENDING ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, AND ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING, SECTION 08.01.010, USES AND STRUCTURES, IN ORDER TO ADD THE UNDERTAKING SERVICE USE AND SECTION 11.02.010.C APPLICABILITY OF REGULATIONS TO CORE COMMERCIAL DISTRICT, IN ORDER TO UPDATE PARKING REQUIREMENTS

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2013-17, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 08.01.010, Uses and Structures, shall be amended by deleting the section in its entirety and replacing it with the following:

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

- Single Family Dwelling
- Attached Dwelling
- Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

- Place of Worship
- Essential Service
- Community Assembly
- Non-assembly Cultural
- Administrative
- Utility
- Vehicular

Commercial Activities

- Convenience Sales and Service - Two-Pump Maximum
- Automotive Parking (Limited Lot)
- Transient Habitation
- Food Service
- General Personal Service
- Financial, Consulting and Administrative

Business and Communication Service
General Retail Sales and Service
Consumer Laundry and Repair
Retail Business Supply
Group Assembly – Limited
Medical Services
Undertaking Services

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 11.02.010.C, Applicability of Regulations to Core Commercial District, shall be amended by deleting the section in its entirety and replacing it with the following:

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

EXHIBIT A

ATTEST:

ATTACHMENT 6-1

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ATTACHMENT 6-2

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

- Single Family Dwelling
- Attached Dwelling
- Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

- Place of Worship
- Essential Service
- Community Assembly
- Non-assembly Cultural
- Administrative
- Utility
- Vehicular

Commercial Activities

- Convenience Sales and Service - Two-Pump Maximum
- Automotive Parking (Limited Lot)
- Transient Habitation
- Food Service
- General Personal Service
- Financial, Consulting and Administrative
- Business and Communication Service
- General Retail Sales and Service
- Consumer Laundry and Repair
- Retail Business Supply
- Group Assembly – Limited
- Medical Services
- Undertaking Services**

RECEIVED
FEB 28 2013

GALLATIN PLANNING
& ZONING

PC 0106-13

11.02 General Regulations; Off-Street Parking**11.02.010 Applicability**

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing, conforming buildings; or for enlargements of existing structures.

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, **50 percent (50%) of the maximum capacity in largest the place of public assembly**, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in largest the place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.

RECEIVED
FEB 28 2013
GALLATIN PLANNING
& ZONING

PC0106-13



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 26, 2013

TO: Katherine Schoch, Interim Codes/Planning Director
City of Gallatin
132 West Main Street
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: March 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Text Amendment, GZO Sec. 08.01.010, CC PC File: PC0106-13

At the above referenced meeting, the request for approval of the text amendment was:

- ☒ RECOMMENDED
- ☐ RECOMMENDED WITH CONDITIONS
- ☐ NOT RECOMMENDED
- ☐ DEFERRED
- ☒ CITY COUNCIL APPROVAL
 - Council Committee: 4/9/13
 - 1st Reading at City Council: 4/16/13
 - Ad runs for Public Hearing by Codes/Planning Department: 4/17/13
 - Public Hearing at City Council: 5/7/13
 - 2nd Reading at City Council: 5/21/13

cc: Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0107-13

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 9, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 5

SUBJECT:

Ordinance #O1303-11 amending the Zoning Ordinance of the City of Gallatin, Tennessee, Article 8.00, Provisions for Commercial Districts, and Article 11.00, Off-Street Parking and Loading Regulations.

SUMMARY:

Applicant requests amending Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use and Section 11.02.010.C, Applicability of Regulations to Core Commercial District, in order to update Parking Requirements. These amendments were recommended at the March 25, 2013 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

EXHIBIT A

ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 2,
ADMINISTRATION, BY ADDING A NEW SECTION 2-47 RELATIVE TO INTERIM PAY
PROVISIONS.

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 2, Administration, is hereby amended by adding a new Section 2-47, Interim Pay, which shall read as follows:

Sec. 2-47 – Interim Pay.

Whenever an official listed in Section 13-131 or any other official appointed by the City Council is unable to perform his/her assigned duties, the following pay adjustments shall be made to those individuals who serve in their stead.

- (a) When the official remains employed with the City but is temporarily absent from work, his/her duties will be performed by the assistant designated via job description to perform those duties. If no such employee is so designated, then the Mayor shall appoint an employee to act during the term of the absence, and the Council shall confirm the appointment, pursuant to Sec. 2-46 of this Municipal Code.
 - (1) If a designated assistant performs the duties outlined above, then s/he shall receive no adjustment in pay until the temporary absence exceeds 28 days. From that point forward, his/her pay will be upwardly adjusted by 10% of base salary until the temporary absence ends.
 - (2) If an individual is appointed by the Mayor and confirmed by the City Council, then s/he shall receive no adjustment in pay until the temporary absence exceeds 28 days. From that point forward, his/her pay will be upwardly adjusted by 10% of base salary retroactive to when the temporary absence began and continuing until the temporary absence ends.
- (b) When a vacancy occurs due to reasons including, but not limited to, death, retirement, resignation, termination, or permanent inability to perform job duties,

the Mayor shall declare the position vacant and shall make an interim appointment until the official's position is permanently filled, subject to City Council confirmation at the next regularly scheduled meeting of that body. In such instances the individual shall receive an upward adjustment of either 10% of base pay or the pay associated with the starting rate of the position vacated, whichever is higher, beginning on the date of appointment and continuing until the City Council permanently fills that position.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING: _____.

PASSED SECOND READING: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

INTERIM PAY POLICY – DEPT. HEAD

2 types of employees may be appointed by the Mayor to fill in on an interim basis for Department Heads:

- ◆ **Asst. Dept. Heads** = Employees whose job descriptions already include wording that states they assume the dept. head responsibilities in his/her absence (i.e. job description and salary includes filling in for short periods of time for the dept. head).
 - Asst. Director of Codes/Planning
 - Asst. Fire Chief
 - Asst. Director of Leisure Services – Civic Center/Administration
 - Asst. Police Chief
 - Asst. Superintendant of Public Utilities
- ◆ **Non-Asst. Dept. Heads** = Employees whose job descriptions do NOT include wording that states they assume the dept. head responsibilities in his/her absence.

2 reasons why an interim may be needed:

- A. Temporary Absence**
- B. Vacancy**

A. Temporary Absences:

Asst. Dept. Heads

- 10% pay increase after 28 consecutive calendar day absence of DH
- No additional pay for days 1-28 of DH absence
- Current salary already reflects the responsibility of filling in for a DH for short periods of time (not extended periods)
- Asst. DH is not normally responsible for the strategic planning of the dept. during an absence of less than 28 days – only have to handle day to day operations etc.

Non-Asst. Dept Heads

- 10% pay increase after 28 consecutive calendar day absence of DH
- Pay increase is retroactive to day 1 of assumed DH duties
- Current salary does not reflect the responsibility of filling in for a DH for short periods of time.

B. Vacancy:

Asst. Dept. Heads & Non-Asst. Dept. Heads

- 10% pay increase or the pay associated with the starting rate of the vacant position from day 1 of assumed DH duties, whichever is more favorable to the employee
- Responsible for the strategic planning and future of the dept. until the position is filled
- Mayor has ability to declare a position officially vacant (i.e. facts available that DH does not intend to return) –facts must be present to support decision

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: **Personnel**

AGENDA # 8

SUBJECT:

Interim Department Head Pay Policy

SUMMARY:

This policy was drafted in an effort to provide consistency when calculating additional pay for employees assuming interim department head responsibilities.

A summary explanation of the policy is attached in addition to Ordinance O1303-13.

RECOMMENDATION:

Approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01304-15

**ORDINANCE APPROPRIATING 2011/2012 CARRY-OVER
RECYCLING FUNDS**

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$22,262.68 is hereby appropriated from the Environmental Services fund balance to 12543230-489 Recycling Program, and,

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

**CONNIE KITTRELL
CITY RECORDER**

**JOE THOMPSON
CITY ATTORNEY**

**CITY OF GALLATIN
THE COUNCIL COMMITTEE
AGENDA SUMMARY
April 9, 2013**

AGENDA # 7

DEPARTMENT: Public Works

SUBJECT: Rollover remaining 2012 budget of Recycling Account in the amount of \$22,262.68 (because of long budget process this was not rolled over but is necessary to fund recycling operations).

SUMMARY: Rollover remaining balance of 2012 Recycling Revenue in the amount of \$22,262.68

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected _____
Deferred _____

Notes:

ORDINANCE NO. O1304-16

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED BY THE GALLATIN
POLICE DEPARTMENT IN THE FORM OF A STATE AND FEDERAL GRANT

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$6,906.00
is hereby appropriated from BJA FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG)
2011 DJ BX 3229, (originally approved under ordinance #01109-80) received by the Gallatin Police
Department for the purpose of CID Interview Room upgrades, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this
Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: Gallatin Police

AGENDA # 2

SUBJECT:

Ordinance Appropriating \$6,906 - 100% grant JAG Funds to 110-42110-947

SUMMARY:

Re-Appropriate grant money approved under Ordinance 01109-80. Unspent grant funds for JAG 2011 DJBX 3229 were not entered into 110-42110-947 for FY12-13 budget.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01304-17

ORDINANCE APPROPRIATING \$37,800 RECEIVED FROM THE STATE OF
TENNESSEE BY THE POLICE DEPARTMENT FOR TRAINING SUPPLEMENTS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of
\$37,800.00 is hereby appropriated from revenues received from the State of Tennessee
Training Supplement, account # 110-33420, to the Police Department Training
Supplement account, #11042110-129, for post certified officer supplements in the
amount of \$37,200 and to the Fire Department Training Supplement account, 11042220-
129, in the amount of \$600, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this Ordinance shall take effect from and after its final passage, the public welfare
requiring such.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

4/9/2013

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

ORDINANCE APPROPRIATING \$37,800 RECEIVED FROM THE STATE OF TENNESSEE BY
THE POLICE DEPARTMENT FOR TRAINING SUPPLEMENTS

SUMMARY:

ORDINANCE APPROPRIATING \$37,800 RECEIVED FROM THE STATE OF TENNESSEE BY
THE POLICE DEPARTMENT FOR TRAINING SUPPLEMENTS

RECOMMENDATION:

APPROVAL

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01304-18

ORDINANCE APPROPRIATING FUNDS FROM
FUND 122 UNDESIGNATED BALANCE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$5,171.69 is hereby appropriated from the 122 Undesignated Balance to account 122-42122-319, for SOR (Sex Offender Registry) expenses.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2013

PASSED SECOND READING: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: POLICE

AGENDA # 3

SUBJECT:

Appropriation of \$5,171.69 from Fund 122 Undesignated Balance to 122-42122-319
SOR(Sex Offender Register) expenses.

SUMMARY:

Appropriate \$5,171.69 from Fund 122 Undesignated Balance into 122-42122-319 SOR expenses.
These funds are the remaining balance of previous FY 11-12 that were not spent and MUNIS did not
automatically roll them into current FY 12-13.

RECOMMENDATION:

Approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE CONCURRING AND APPROVING AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR FAIRWAY FARMS, PHASES 2 AND 3, IN ORDER TO AMEND THE PHASE LINES, LOT LAYOUT, OPEN SPACE, DESIGN STANDARDS AND INCREASE THE OVERALL DENSITY AND NUMBER OF UNITS IN THE DEVELOPMENT – PROPERTY ZONED R15 PLANNED RESIDENTIAL DEVELOPMENT (R15 PRD) ZONE DISTRICT – RICK HALCOMB, OWNER – 82.83 (+/-) ACRES – S.B.E. TAX MAP #114, PART OF PARCEL 040.01 – LOCATED NORTH OF LONG HOLLOW PIKE (SR-174) AND WEST OF WENDLING BOULEVARD

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2013-19, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and imposes those recommendations as conditions to this Amended Preliminary Master Development Plan; and
2. That after review of the action of the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the Amended Preliminary Master Development Plan for the real property illustrated in Exhibit B, Amended Preliminary Master Development Plan of Fairway Farms, Phases 2 and 3, is hereby approved.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF AN AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN FOR FAIRWAY FARMS, PHASES 2 AND 3, IN ORDER TO AMEND THE PHASE LINES, LOT LAYOUT, OPEN SPACE, DESIGN STANDARDS AND INCREASE THE OVERALL DENSITY AND NUMBER OF UNITS IN THE DEVELOPMENT. PROPERTY CONTAINS 154 LOTS ON 82.83 (+/-) ACRES AND IS LOCATED NORTH OF LONG HOLLOW PIKE (SR-174) AND WEST OF WENDLING BOULEVARD – PC0044-12

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Bruce Rainey and Associates, at its regular meeting on March 25, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby considers the zoning amendment to be a major amendment to the approved Preliminary Master Development Plan and hereby recommends approval of the Amended Preliminary Master Development Plan to the Gallatin City Council with the following conditions:

1. The Planning Commission approve the conceptual architectural elevations and photographs as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.

EXHIBIT A

2. The Planning Commission approve the conceptual landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit detailed plans and specifications for the installation of the water and sanitary sewer infrastructure for approval by the Gallatin Public Utilities Department.
4. The applicant shall satisfactorily address the Engineering Division review comments as part of the approval of the Final Master Development Plan and Construction Plans for Phases 2 and 3.
5. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
6. The applicant shall revise the Preliminary Master Development Plan to provide a roadway connection to Wentworth Drive.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

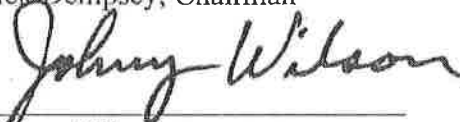
AYE: 6

NAY: 0

DATED: 03/25/2013

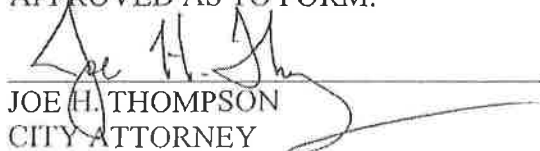


Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

**ITEM 2
3/25/13 GMRPC MEETING**

Public Comment

Applicant requests approval of an Amended Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, in order to amend the phase lines, lot layout, open space, design standards and increase the overall density and number of units in the development. Property contains 154 lots on 82.83 (+/-) acres and is located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard. (PC0044-12)

Attachment 2-1 Amended Preliminary Master Development Plan
Attachment 2-2 Fairway Farms Architectural Exhibit, Rev. 3/21/13
Attachment 2-3 Email, J. Bruce Rainey, 3/22/13

ANALYSIS

The applicant is requesting approval of an Amended Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, in order to amend the phase lines, lot layout, open space, design standards and increase the overall density and number of units in the development. The property contains 154 lots on 82.83 (+/-) acres and is located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard. The property is currently zoned R15 Planned Residential Development (R15 PRD) and One-Family Detached Dwellings are a permitted use in the R15 PRD zone district. A portion of the property is located in a special flood hazard area, Zone AE.

Previous Approvals

Rezoning and Approval of Preliminary Master Development Plan

- City Council originally approved the Preliminary Master Development Plan (PMDP) for Fairway Farms and rezoned the property from Agricultural (A) to Residential-R15 Planned Residential Development (R15 PRD) on January 4, 2005.
- The original PMDP that was submitted for consideration by the Planning Commission contained a total of 479 lots on 261.17 acres. The PMDP was divided into two parts, Area A and Area B. Area A contained a mixture of lot sizes ranging from 9,000 square feet to 18,000 square feet while Area B consisted entirely of 9,000 square foot lots. The PMDP included alley loaded lots in portions of Area A and roadway connections into Cambridge Farms and Eagle Creek. However, when the PMDP was considered by City Council, the Council approved the PMDP with revisions removing the connections into the adjoining subdivisions and required the developer to add a roadway and bridge crossing to connect areas A and B. The approved PMDP contained a total of 482 lots with a density of 1.85 dwelling units per acre and 27.7 percent open space.

Lot Count – Original PMDP Approved for Fairways Farms – January 2005

Number of Lots	Area "A"	Area "B"	Total
18,000 sq.ft.	62	0	62
15,000 sq.ft.	138	0	138
9,000 sq.ft.	119	163	282
Total	319	163	482

Revised Preliminary Master Development Plan

- The Planning Commission approved a minor amendment to the PMDP on November 28, 2005 to remove the alleys that were originally planned to serve the lots in Area A located in the front of the development. The Revised PMDP approved by Planning Commission contained a total of 472 lots with a density of 1.81 dwelling units per acre and 31.4 percent open space.

Lot Count – Revised PMDP Approved for Fairways Farms – November 2005

Number of Lots	Area "A"	Area "B"	Total
18,000 sq.ft.	62	0	62
15,000 sq.ft.	131	0	131
9,000 sq.ft.	116	163	279
Total	309	163	472

Final Master Development Plans, Preliminary and Final Plats

- Various Final Master Development Plans, Preliminary Plats and Final Plats have been approved by the Planning Commission for Phase 1, Sections 1 to 4 and Phase 3, Section 1. According to a summary submitted by the applicant, the following number of lots have been approved to date:

Lot Count – As-built for Fairway Farms Phase 1, Sections 1 – 4, and Phase 3, Section 1

Number of Lots	Area "A"	Area "B"	Total
18,000 sq.ft.	69	0	69
15,000 sq.ft.	75	0	75
**12,000 sq.ft.	13	0	13
9,000 sq.ft.	37	0	37
Total	194	0	194

** The 12,000 sq.ft. lots are not shown as a separate lot size category on the approved Revised PMDP. The applicant is requesting approval to add the 12,000 sq.ft. lot category to the site data table as part of the proposed amendment to the PMDP.

Major/Minor Amendment

As part of the zoning amendment to R15 PRD, the applicant was required to submit a PMDP to the Planning Commission and City Council for approval outlining the proposed improvements and development for the property. Any changes to the approved PMDP require review by the Planning Commission and any changes that the Planning Commission deems to be major amendments are required to be reviewed and approved by the City Council.

The property has been posted with Zoning Action Pending signs in case the Planning Commission determines that the proposed changes constitute a major amendment to the approved PMDP. If the Planning Commission decides to consider the proposed changes as a major amendment to the approved PMDP, Public Comment will be held at the Planning Commission meeting and the plan and Planning Commission recommendation will be forwarded to City Council for final action. If the project proceeds to City Council, the applicant is required to notify the adjoining property owners by mail regarding the required Public Hearing and notice of the Public Hearing for this project will be advertised in the newspaper.

Proposed Amendments to PMDP

The applicant is requesting approval to amend the PMDP for Fairway Farms in order to increase the overall density and number of units in the development, amend the phase lines for Phases 2 and 3 and revise the overall lot layout, lot sizes, amount of required open space and design standards for the development. The applicant made the following revisions to the proposed PMDP amendment based on staff review comments, comments received at several Planning Commission Work Sessions and a neighborhood meeting with residents in the development:

- The applicant has revised the proposed PMDP amendment to decrease the total number of additional number of lots from 49 to 29 lots.

- Thirty-three 9,000 square foot lots have been replaced with 15,000 square foot lots.
- The required open space for Phases 2 and 3 was reduced from 42.8 percent to 39.8 percent. The overall required open space exceeds the minimum 20 percent required by the Zoning Ordinance.
- The required bufferyard adjacent to Cambridge Farms was revised to show the existing trees located along this property line. The applicant has requested that the existing trees be counted towards meeting the required buffer yard requirements. The applicant shall be required to submit a tree survey as part of the approval of the Final Master Development Plan.
- Additional architectural plans were submitted and added to the architectural design standards booklet and the minimum requirements for the 9,000, 12,000, and 15,000 square foot lots were revised to increase the minimum house size to 1,800 square feet for ranch style houses and 2,000 square feet for a two story houses. The proposed changes have been noted in the General Design Notes on the Preliminary Master Development Plan and will only apply to the changes proposed in Phases 2 and 3.
- The Wentworth Drive connection that was previously added in response to staff review comments about the substantial increase in density has been removed. The applicant indicated that the connection was removed based on feedback received from existing residents in the development during the neighborhood meeting and is in keeping with the previously approved PMDP.
- Additional technical changes have been made to update the site data table and revise the typical road cross-section to match the previously approved section.
- The side yard requirement for the 9,000 square foot lots has been increased from 5-feet to 10-feet.

Engineering Division Comments

The Engineering Division had several comments during the initial review of the proposed amendment. The following items were not addressed as part of the resubmittal and need to still be addressed by the applicant:

- Provide street names for all proposed roadways.
- Updated drainage calculations will be required for Phases 2 and 3 at construction plan stage due to proposed changes.
- Label floodway as stream buffer as well. No disturbance will be allowed within stream buffer.
- Add note to PMDP that traffic calming measures will be required at construction plan stage.
- Remove paving schedule.

Other Departmental Review Comments

The following other departmental comments for this project will need to be addressed by the applicant and included as part of any conditions of approval.

Fire Department

- Location of fire hydrants needs to be shown.

Public Utilities/Industrial Pre-Treatment

- Approval for previously submitted water/sanitary sewer plans have expired.
- Detailed plans and specifications indicating new proposed phases shall be submitted to this Department for review and approval.

RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed amendment to the Preliminary Master Development Plan a Major Amendment pursuant to Gallatin Zoning Ordinance Section 12.02.050 A and F.

Staff recommends that the Planning Commission recommend approval of the Amended Preliminary Master Development Plan for Fairway Farms Phase 2 and 3 to City Council with the following conditions of approval:

1. The Planning Commission approve the conceptual architectural elevations and photographs as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approve the conceptual landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit detailed plans and specifications for the installation of the water and sanitary sewer infrastructure for approval by the Gallatin Public Utilities Department.
4. The applicant shall satisfactorily address the Engineering Division review comments as part of the approval of the Final Master Development Plan and Construction Plans for Phases 2 and 3.
5. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

Project Comments

Meeting Date: 03/25/2013

RE: FAIRWAY FARMS, PHASES 2 & 3, Preliminary Master Development Plan

Reference #: PC0044-12

Department of Public Utilities

Review Date:

2/4/2013: 2nd Amended Resubmittal:

Detailed plans and specifications for water and sanitary sewer installations must be submitted for approval.

01/03/2013: Amended Resubmittal:

Must submit detailed plans and specifications for water and sanitary sewer approval.

Resubmittal: 11/19/2012

1. Must submit detailed plans & specifications for water and wastewater installations for approval.

09/27/2012

1. Detailed plans and specifications for water and sanitary sewer installations must be submitted for approval.

Planning Department

Codes/Planning Department Project Manager: Jim Svoboda 2nd Amended Resubmittal

Review date: 2/12/2013

1. Correct site data table - site acreage in Revised Part A and B should be 261.70 (+/-) acres.
2. Note 6 says open space shall be owned and maintained by HOA. Has existing current open space been transferred to the HOA?
3. Remove gated section.
4. If Planning Commission recommends approval of revising plan, Staff recommends connection to Wentworth Drive by constructed due to increase in density.
5. What scale is being used: 1" = 100'?
6. Clarify in Ph. 2 & #, where changes are being proposed, the number of existing and proposed 18,000, 15,000, 12,000 and 9,000 to better be able to determine scope of proposed changes in Area A.
7. Type 25 foot buffer adjacent to Cambridge Farms is proposed in bufferyard easement. Add note stating buffers shall be maintained by property owner.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

8. Staff has concerns about the impact of the increased density and layout changes on the existing development especially from Turnbo Drive south on Goodman to Long Hollow Pike.
9. Reserved area shown on Nelms was part of required open space/clubhouse area. Explain Reserve category.
10. Resubmittal may be submitted by Monday, February 18, 2013 by 10 AM.
11. Made sure dimensions and square footages for proposed buildings/architectural plans are clearly labeled in pattern book.
12. Submit sixteen (16) full sized, corrected, folded copies of the resubmittal documents and 16 architectural elevations if needed.
13. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
14. Submit a detailed response letter addressing all departmental review comments.
15. RETURN CHECKPRINT & CHECKLIST
16. Resubmittal documents must be turned in to the Codes/Planning Department by 10:00 AM on Monday, February 18, 2013.
17. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes/Planning Department Project Manager: Jim Svoboda Amended Resubmittal: 1/14/2013

1. Correct Site Data Table. Site Data Table needs to reflect totals for overall development including area "A" and "B". total site size is 261.17 (+/-) acres. See site data table from approved PMDP. If you want to still break down changes for areas "A", that is o.k.. Just make sure to include area "B" in table. New totals also need to reflect area "B".
2. Lots 96-101, 102 - 105 are new and resulted in open space being removed behind existing 139.
3. Must provide list of adjoining property owners either in table in plan or note on separate sheet. Include properties in Cambridge Farms and Fairway Farms.
4. Area shown as "gated" will not be accepted by City of Gallatin and will need to be maintained by HOA. Add to notes.
5. Villages of Fairway Farms is what area "B" was called. Either pick new name or call Villages area "A".
6. Increase in density and open space changes. Staff will recommend Planning Commission consider this a major change to PMDP.
7. Check with Engineering to see if updated traffic study will be required.
8. Type 25 and 35 bufferyards must be approved by Planning Commission at FMDP. No wood fence in Type 35; provide details of proposed fencing. Verify lot size compatibility requirement to determine bufferyard width required.
9. Additional comments to be provided after work session on 1/14/2013.
10. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE

Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

11. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD. 11. Submit a detailed response letter addressing all departmental review comments.

12. RETURN CHECKPRINT & CHECKLIST

13. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 1/18/2013.

14. Resubmittals must include the above information in order to be considered a complete resubmittal.

11/19/2012 Resubmittal review Date:

1. One-Family Attached Dwellings are not permitted in the R-15 PRD zone district as defined per Section 06.09.080.B2. However, use can be called One-family attached townhouse residential and be limited to 30 percent of the total lots in development. Since this will be considered a major change staff would recommend consider requesting a rezoning to R10 PRD.
2. Provide updated overall site data table for the proposed changes and remaining portions of the development. Must delineate lot count by lot sizes.
3. Provide lot data table establishing minimum required yards by type of use.
4. Overall design guidelines and typical architectural elevations have not been submitted as required. This application cannot be considered by PC without the required information. In addition, previous approvals have stipulated that certain percentages of lots be limited from having front loading garages. Need to address how the proposed changes will impact these requirements. Provide updated design standard notes and building elevations. Changes that impact the portion of the development not included in this submittal cannot be changed unless the other owners in the development are included in the application.
5. Address Engineering Division comments concerning sink hole/drainage issues and provide typical cross sections for roads.
6. Provide typical lot configuration for one-family attached townhouses.
7. Add note that no construction is permitted within the regulatory floodway. Remove lots and proposed landscaping located within the floodway.
8. Provide information about how minimum recreation area is being provided. Overall recreation area is calculated on total area in the PRD, Provide calculations in site development table.
9. Correct FAR information.
10. Provide overall lot count for entire development.
11. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

12. Submit a detailed response letter addressing all departmental review comments.
13. RETURN CHECKPRINT & CHECKLIST
14. Resubmittal documents must be turned in to the Codes/Planning Department by 2:00 PM on 12/03/2012.
15. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes Department

Review Date:

2/4/2013: 2nd Amended Resubmittal:

No comments

1/9/2013: Amended Resubmittal:

No comments

11/19/2012 Resubmittal:

1. Provide information on fire separation on attached units.

09/28/2012

No comments

Engineering Division

Review Date:

3-21-2013 JZW "4th Amended" Resubmittal:

1. Provide street names for all proposed roadways.
2. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
3. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
4. Be aware at construction plan stage, traffic calming measures will be required. Add note on PMDP indicating this.
5. Remove paving schedule.

2-18-2013 JZW "3rd Amended" Resubmittal:

1. Street x-section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
4. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
5. Be aware at construction plan stage, traffic calming measures will be required.

2-5-2013 JZW "2nd Amended" Resubmittal:

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

1. Street x-section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Designate gated area as having private roadways. Gates are not allowed within public ROW.
4. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
5. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
6. Be aware at construction plan stage, traffic calming measures will be required.

1-11-2013 JZW "Amended" Resubmittal:

1. Street x-section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Designate gated area as having private roadways. Gates are not allowed within public ROW.
4. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
5. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
6. Be aware at construction plan stage, traffic calming measures will be required.

12-5-2012 JZW Resubmittal:

1. Provide street x-section. Section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Provide sidewalk connection around proposed "hammerhead".
4. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
5. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
6. Be aware at construction plan stage, traffic calming measures will be required.

11-20-2012 JZW Revised:

1. Provide street x-section. Section should match what has been previously approved and has already been built in existing subdivision.
2. Phase 3 Section 1 drainage calculations utilize southern portion of subject property as injection well, assuming no runoff from 100yr storm or less to be discharged. Proposed layout would require substantial grading in area of injection well. Because the injection well throat has never been located, there is a good possibility any grading in area would slow down or stop water from being conveyed into well and/or decrease storage capacity causing flooding issues. Existing downstream issues exist, so no increase in volume, flow, or velocity will be allowed. Until detailed plans, calculations, and study is performed, Engineering recommends against proposed changes to southern portion of property.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE

Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

3. Provide street names for all proposed roadways.
4. Provide sidewalk connection around proposed "hammerhead".
5. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
6. Show existing contours.
7. Show/label designated detention pond areas.
8. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
9. Be aware at construction plan stage, traffic calming measures will be required.

10-3-2012 JZW:

1. Provide street x-section. Section should match what has been previously approved and has already been built in existing subdivision.
2. Label street name.
3. Phase 3 Section 1 drainage calculations utilize southern portion of subject property as injection well, assuming no runoff from 100yr storm or less to be discharged. Proposed layout would require substantial grading in area of injection well. Because the injection well throat has never been located, there is a good possibility any grading in area would slow down or stop water from being conveyed into well and/or decrease storage capacity causing flooding issues. Existing downstream issues exist, so no increase in volume, flow, or velocity will be allowed. Until detailed plans, calculations, and study is performed, Engineering recommends against proposed changes to southern portion of property.

Fire Department

Review Date:

2/5/2013: 2nd Amended Resubmittal:

Location of fire hydrants need to be shown.

1/11/2013: Amended Resubmittal:

No comment at this time.

11/19/2012 This department has no comments at this time.

Police Department

Review Date:

2/5/2013: 2nd Amended Resubmittal

Reviewed: no comments

1/7/2013: Amended Resubmittal Reviewed: no comments

11/15/2012 Resubmittal: Reviewed: no comments

09/28/2012 Reviewed: no comments

Jim Svoboda

From: J. Bruce Rainey [jbr823@bellsouth.net]
Sent: Friday, March 22, 2013 9:41 AM
To: Jim Svoboda
Cc: Katherine Schoch
Subject: Fw: agreed plan
Attachments: 090065_Fairway Farms Ph 2 & 3 Rev PMDP_3.15.13.pdf

----- Original Message -----

From: J. Bruce Rainey
To: Katherine Schoch
Cc: Rick Halcomb ; Mike Turturice ; Chuck & Shannon Allen ; Bridget Henneman ; David Graves ; Mike Greene ; Scott Schlarb ; Michael Colwell ; Anna Vale ; Jerry Lawless ; Judy Moore ; Brad Bestwina ; Julie Peters ; Jennifer Palsgrove ; Shana van Benschoten ; Tony Thomas ; Rob and April Schroeder ; Dave and Beth Porter
Sent: Friday, March 15, 2013 10:05 AM
Subject: agreed plan

Katherine,

Attached is the latest plan on Fairway Farms. This plan as amended represents an agreement between the Developer and a majority of the homeowners group of Fairway Farms.

The additional agreed changes are:

the minimum home size in the 9000 and 12,000 and 15000 sf lots has been increased to 1800 sf for a ranch style home and 2000 for a two story home.

Also in keeping with the previously Council approved plan, the connection into Cambridge farms has been eliminated and that area redistributed among the existing lots.

Additional technical changes have been made as follows:

With the revisions in number of lots have revised bufferyard note between Cambridge Farms and Fairway Farms

The Road cross-section has been revised to match the previously approved section

The Site Data table calculations have been corrected.

The sideyard requirement on 9000sf lots has been corrected to 10'

With these revisions and agreements I am asking that the revised plan of Fairway Farms be considered a minor change to the approved master plan and be considered for approval by the Gallatin Planning Commission March 25, 2013.

Please advise to the number of additional copies needed. Call if you have questions.

Thank you

J. Bruce Rainey
Bruce Rainey & Associates
116 Maple Row Blvd.
Hendersonville, TN 37075



EXHIBIT A

City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 26, 2013

TO: Mr. Bruce Rainey
Bruce Rainey & Associates
116 Maple Row Blvd.
Hendersonville, TN 37075

FROM: Gallatin Codes/Planning Department

RE: March 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Fairway Farms, Ph. 2 & Ph. 3, PC File: PC0044-12

At the above referenced meeting, the Planning Commission considered the proposed amendment to the Preliminary Master Development Plan as a Major Amendment pursuant to Gallatin Zoning Ordinance Section 12.02.050 A and F.

- ☐ RECOMMENDED
☒ RECOMMENDED WITH CONDITIONS
☐ NOT RECOMMENDED
☐ DEFERRED

Planning Commission recommend approval of the Amended Preliminary Master Development Plan for Fairway Farms Phase 2 and 3 to City Council with the following conditions of approval:

1. The Planning Commission approves the conceptual architectural elevations and photographs as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approves the conceptual landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit detailed plans and specifications for the installation of the water and sanitary sewer infrastructure for approval by the Gallatin Public Utilities Department.
4. The applicant shall satisfactorily address the Engineering Division review comments as part of the approval of the Final Master Development Plan and Construction Plans for Phases 2 and 3.
5. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).



City of Gallatin, Tennessee

Codes/Planning Department

6. The applicant shall revise the Preliminary Master Development Plan to provide a roadway connection to Wentworth Drive.

Approval contains the following requirements:

☒ CITY COUNCIL APPROVAL

- Council Committee: 4/9/13
- 1st Reading at City Council: 4/16/13
- Ad runs for Public Hearing by Codes/Planning Department: 4/17/13
- Public Hearing at City Council: 5/7/13
- 2nd Reading at City Council: 5/21/13

cc: Mr. Rick Halcomb
Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0044-12

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 9, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 6

SUBJECT:

Ordinance #01304-19 Concurring and Approving Amendment to the Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, property located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard

SUMMARY:

Applicant requests approval of an amendment to the Preliminary Master Development Plan for Fairway Farms for Phases 2 and 3, in order to amend the phase lines, lot layout, open space and number of units in the development. The property contains 154 lots on 82.83 (+/-) acres. The Planning Commission recommended approval of the Amended Preliminary Master Development Plan at the March 25, 2013 meeting with six (6) conditions of approval and recommended that the applicant revise the plan to include a roadway connection to Wentworth Drive.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

EXHIBIT A

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED
FROM FBIVCTF and OCDEF

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$16,602.13 is hereby appropriated from the revenue received from the FBIVCTF (Federal Bureau of Investigation Violent Crimes Task Force) and OCDEF (Organized Crime Drug Enforcement Task Force) 110-33190 to account 110-42110-123, to compensate overtime usage.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2013

PASSED SECOND READING: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: POLICE

AGENDA # 1

SUBJECT:

Appropriation of \$16,602.13 in overtime reimbursements from FBIVCTF (Federal Bureau Investigations Violent Crimes Task Force) and OCDETF (Organized Crime Drug Enforcement Task Force to police budget

SUMMARY:

Appropriate \$16,602.13 from 110-33190 Federal Grants funds received for overtime reimbursement from FBIVCTF and OCDETF to be put into police line item 110-42110-123 Overtime

RECOMMENDATION:

Approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE APPROPRIATING \$13,742 FROM THE CODES/PLANNING DEPARTMENT TO
THE POLICE DEPARTMENT FOR SALARY AND BENEFITS OF THE PROPERTY
MAINTENANCE INSPECTOR

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$13,742 is hereby transferred from the Codes/Planning department, account 11041700, to the Police department, account 11042110, for the following salary and benefit expenses of the Property Maintenance Inspector:

111	Salary	\$10,130
141	FICA	\$322
142	Health Insurance	\$2,299
143	Retirement	\$913
145	Group Life Insurance	\$30
149	Disability Insurance	\$48, and,

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

04/09/2013

DEPARTMENT: POLICE

AGENDA # 4

SUBJECT:

TRANSFER OF PROPERTY MAINTENANCE INSPECTOR FROM CODES TO GALLATIN
POLICE DEPARTMENT

SUMMARY:

The property maintenance inspector's position has been located in the codes department since its creation in 2004. Transferring this position from Codes to the Police Department would generate multiple benefits for the citizens of Gallatin.

- a coordinated approach to the "broken windows" theory of community policing.
- enhanced ability to deal with certain property maintenance issues (e.g. - litter) by citation to general sessions court, rather than municipal court, and exposing violators to larger fines and penalties.
- eliminating dual enforcement by two departments (e.g. - nuisances and abandoned vehicles are already assigned to the police department by the Gallatin Municipal Code and the Tennessee Code Annotated respectively.

RECOMMENDATION:

Both the police department and the codes/planning department support this transfer of position.

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R13Ø3-15

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY
THE CITY OF GALLATIN, TENNESSEE
TWIN EAGLES, PHASE 8

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Twin Eagles, Phase 8;

WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION hereby certifies that the public drainage infrastructure, rights-of-way, and public easements identified on the plat of the subdivision described above have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations;

WHEREAS, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT hereby certifies that the public utility improvements in the development described hereafter have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations and City of Gallatin Municipal Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, pursuant to Chapter 3, Section 3-105, et seq. of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of-way, public easements, and public utility improvements described in the Twin Eagles, Phase 8, Plat Book 26, Page(s) 194-196, Recorded July 20, 2009; Surveyor's Certificate of Correction Final Plat, Twin Eagles, Phase 8, Record Book 3206, Page(s) 439-441, Recorded on November 3, 2009; and Twin Eagles, Phase 8, Plat Amendment, Record Book 3374, Page(s) 840-843, Recorded December 30, 2010 in the Register's Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS
FOR BEACON STREET, WILDCAT RUN AND OSPREY DRIVE LOCATED IN TWIN
EAGLES, PHASE 8, TO THE GALLATIN CITY COUNCIL – PC0108-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to accept public improvements in Twin Eagles, Phase 8 submitted by the applicant, Blue Ridge Surveying, at its regular meeting on March 25, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.
2. It has been determined that the legal purposes for which zoning and subdivision regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can is justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the acceptance to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the request to accept public improvements in Twin Eagles, Phase 8 to the Gallatin City Council with the following conditions:

1. The applicant shall submit a copy of Tennessee Department of Environment and Conservation (T.D.E.C.) Notice of Termination (N.O.T.) prior to the City Council meeting.

2. The applicant shall submit a signed/notarized Quit Claim Deed prior to the City Council meeting.
3. The applicant shall submit a maintenance surety in the amount of \$34,000 to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 6

NAY: 0

DATED: 03/25/2013


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

ITEM 7
03/25/13 GMRPC MEETING

EXHIBIT A

Applicant requests acceptance of the public improvements for Beacon Street, Wildcat Run and Osprey Drive containing 9.30 (+/-) acres located in Twin Eagles, Phase 8. (PC0108-13)

Attachment 7-1 City Council Resolution No. R1303-15
Attachment 7-2 Twin Eagles, Phase 8, Final Plat
Attachment 7-3 Surveyor's Certificate of Correction, Recorded 11/3/09
Attachment 7-4 Plat Amendment, Recorded 12/30/10

ANALYSIS

The applicant is requesting acceptance of the public improvements for Beacon Street, Wildcat Run and Osprey Drive containing 9.30 (+/-) acres located in Twin Eagles, Phase 8. This property is zoned Mixed Use (MU) and no portion of this property is located in a flood hazard area.

The Engineering Division has certified that the applicant has submitted all the necessary documents concerning the acceptance of public improvements for the transportation, utilities, rights-of-way, and public easements as outlined in the resolutions, located in Twin Eagles, Phase 8 as identified in Attachments 7-2, 7-3 and 7-4.

The Engineering Staff completed a final inspection and reported that the applicant has satisfactorily addressed all engineering issues.

Section 3-102 of the City of Gallatin Subdivision Regulations, Maintenance Surety, requires that the applicant post a maintenance surety set at 10 percent of the completed roadway and drainage costs. Engineering staff has determined the required maintenance surety to be \$34,000, which must be approved by the Planning Commission and City Council as part of this acceptance. The applicant shall submit a maintenance surety in the amount of \$34,000 to the Codes/Planning Department.

RECOMMENDATION

Staff recommends the Planning Commission recommend acceptance of the public improvements in Twin Eagles, Phase 8 to the City Council with the following conditions:

1. The applicant shall submit a copy of Tennessee Department of Environment and Conservation (T.D.E.C.) Notice of Termination (N.O.T.) prior to the City Council meeting.
2. The applicant shall submit a signed/notarized Quit Claim Deed prior to the City Council meeting.
3. The applicant shall submit a maintenance surety in the amount of \$34,000 to the Codes/Planning Department.

ATTACHMENT 7-1

EXHIBIT A

RESOLUTION NO. R1303-15

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY
THE CITY OF GALLATIN, TENNESSEE
TWIN EAGLES, PHASE 8

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Twin Eagles, Phase 8;

WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION hereby certifies that the public drainage infrastructure, rights-of-way, and public easements identified on the plat of the subdivision described above have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations;

WHEREAS, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT hereby certifies that the public utility improvements in the development described hereafter have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations and City of Gallatin Municipal Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, pursuant to Chapter 3, Section 3-105, et seq. of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of-way, public easements, and public utility improvements described in the Twin Eagles, Phase 8, Plat Book 26, Page(s) 194-196, Recorded July 20, 2009; Surveyor's Certificate of Correction Final Plat, Twin Eagles, Phase 8, Record Book 3206, Page(s) 439-441, Recorded on November 3, 2009; and Twin Eagles, Phase 8, Plat Amendment, Record Book 3374, Page(s) 840-843, Recorded December 30, 2010 in the Register's Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTACHMENT 7-3

EXHIBIT A

3:00

October 20, 2009

**SURVEYOR'S CERTIFICATE OF CORRECTION
FINAL PLAT
TWIN EAGLES SUBDIVISION
PHASE 8
GALLATIN, SUMNER COUNTY, TENNESSEE
PLAT BOOK 26, PAGE 194**

Since this plat was recorded, the following error has been discovered:

1. The driveway access limit of Lot 236 of Twin Eagles Subdivision Phase 8 will be set at 10.00' to 40.00' from the common property line with Lot 237 not including flares into the pavement. (See Attached Exhibit "A")

Prepared by

[Signature]
Brinn Kofschneider, RLS
Blue Ridge Surveying, Inc.
GALLATIN, TN 37066



Subscribed to and sworn to before me this 29th day of October, 2009

[Signature]
Patricia C. Byars
Notary Public

My Commission Expires April 18, 2011



Approval for Recording

Date 10.30.09

[Signature]
City of Gallatin
Secretary of Planning Commission

Subscribed to and sworn to before me this 30 day of October, 2009

[Signature]
Cindy L. Brazel
Notary Public

My Commission Expires 1-29-2013



Owner Approval

Date 10/26/09

[Signature]
Randall R. Jones, Owner



Subscribed to and sworn to before me this 26 day of October, 2009

[Signature]
Notary Public

My Commission Expires 7/23/2013

Patricia L. Whitaker, Register
Sumner County Tennessee
Reg #: 732453
Rec'd: 15.00
State: 0.00
Clack: 0.00
RDP: 2.00
Total: 17.00
Instrument #: 934549
Recorded
11/3/2009 at 3:00 PM
in
Record Book 3206 Pgs 439-441

1-9-08c

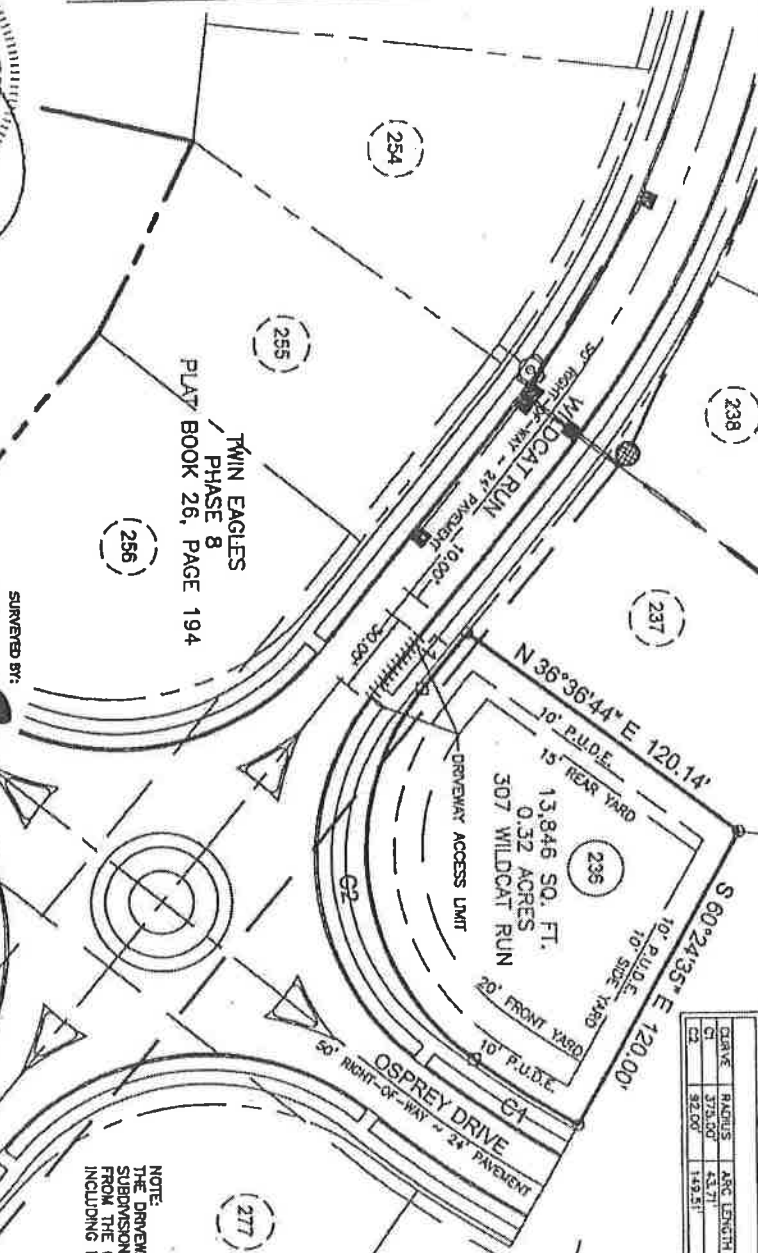
ATTACHMENT 7-3 EXHIBIT "A" EXHIBIT A



BLUE RIDGE SURVEYING, INC.

231 WINTERPOON AVENUE GALLATIN, TENNESSEE
OFFICE (615) 451-6139 CELL (615) 426-4449
BLUESURVEYING@GMAIL.COM

DATE OF SURVEY: OCTOBER 19, 2009 DATE OF DRAWING: OCTOBER 20, 2009



SURVEYED BY:

NOTE:
THE DRIVEWAY ACCESS LIMIT OF LOT 236 OF TWIN EAGLES
SUBDIVISION, PHASE 8 WILL BE SET AT 10.00' TO 40.00'
FROM THE COMMON PROPERTY LINE WITH LOT 237 NOT
INCLUDING FLARES INTO THE PAVEMENT.

FUTURE DEVELOPMENT

TAX MAP 113
(2.04)
RANDALL AND
BARBARA JONES
BOOK 1590, PAGE 582
R.O.S.C., TN

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE
G1	375.00'	43.71'	43.68'	8° 24' 45.0"
G2	32.00'	149.25'	133.87'	8° 24' 45.0"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 50° 17' 03" W	25.49'



SCALE: 1" = 50'

TENNESSEE STATE PLANE (NAD 83)

ATTACHMENT 7-4

EXHIBIT A

Amendment to the recorded subdivision plat of
LOT 248
TWIN EAGLES, PHASE 8, FINAL PLAT
GALLATIN, SUMNER COUNTY, TENNESSEE
Of Record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee

Document Prepared by:
Blue Ridge Surveying, Inc.
231 Witherspoon Avenue
Gallatin, Tennessee 37066

Pamela L. Whitaker, Register
Sumner County Tennessee
Rec #: 755512 Instrument #: 969958
Rec'd: 20.00 Recorded
State: 0.00 12/30/2010 at 1:53 PM
Clerk: 0.00 in Record Book
EDP: 2.00 3374
Total: 22.00 Pgs 840-843

Owners:
Randall and Barbara Jones
312 North Durham Avenue
Gallatin, Tennessee 37066

WHEREAS, the plat of Lot 248 as shown on the subdivision plat of Twin Eagles Subdivision, Phase 8, Final Plat, as of record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee is amended to provide the following changes:

1. The 10' P.U.D.E. along the easterly side of Lot 248 shall be revised to include the "Easement Area" as shown in Exhibit "A".

WHEREAS, the present owner of Lot 248 wishes to amend said plat to show the above changes as per Exhibit "A" and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission has consented to said amendment,

NOW THEREFORE, it is provided that the subdivision plat of Lot 248 as shown on the subdivision plat of Twin Eagles Subdivision, Phase 8, Final Plat, as of record in Plat Book 26, Page 194, Register's Office Sumner County, Tennessee is amended as stated above.

Randy Jones 12-23-2010
Randy Jones Date

Barbara Jones 12-23-2010
Barbara Jones Date

ENTERED
John C. Isbell
Property Assessor

94 DEC 30 2010
1140 - A. 15
Map_Gp_Cd_Par_

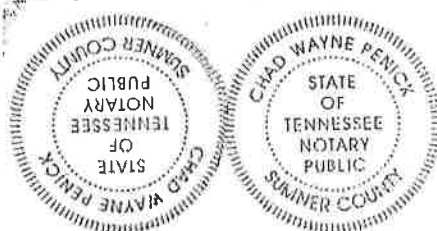
STATE OF TENNESSEE
SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared CHAD W. PENICK with whom I am personally acquainted and who upon oath, acknowledged themselves to be the owner of Lot 248 as shown on the subdivision plat of Twin Eagles, Phase 8, Final Plat, who executed the foregoing instrument for the purpose herein contained.

IN WITNESS WHEREOF the party hereto has set their signature this the 23 day of DEC, 2010,

[Signature]
Notary Public

My Commission Expires 11/17/14



ATTACHMENT 7-4

EXHIBIT A

Amendment to the recorded subdivision plat of
LOT 248
TWIN EAGLES, PHASE 8, FINAL PLAT
GALLATIN, SUMNER COUNTY, TENNESSEE
Of Record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee

Document Prepared by:
Blue Ridge Surveying, Inc.
231 Witherspoon Avenue
Gallatin, Tennessee 37066

Owners:
Randall and Barbara Jones
312 North Durham Avenue
Gallatin, Tennessee 37066

The Gallatin Municipal-Regional Planning Commission joins in this instrument for the purposes of approving said amendment.

Gallatin Municipal-Regional Planning Commission

Johnny Wilson 12-29-10
Johnny Wilson, Secretary Date

Gallatin Municipal-Regional Planning Commission

Dick Dempsey 12-29-10
Dick Dempsey, Chairman Date

STATE OF TENNESSEE
SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared Johnny Wilson, with whom I am personally acquainted and who upon oath, acknowledged himself to be the acting Secretary of the Gallatin Municipal-Regional Planning Commission, by the sign _____, as such Secretary.

IN WITNESS WHEREOF the party hereto has set their signature this the 29 day of Dec., 2010,

Cindy L. Brazel
Notary Public

My Commission Expires 1-29-2013

STATE OF TENNESSEE
SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared Dick Dempsey, with whom I am personally acquainted and who upon oath, acknowledged himself to be the Chairman of the Gallatin Municipal-Regional Planning Commission, by the sign _____, as such Chairman.

IN WITNESS WHEREOF the party hereto has set their signature this the 29 day of Dec., 2010,

Cindy L. Brazel
Notary Public

My Commission Expires 1-29-2013



ATTACHMENT 7-4

EXHIBIT A

Amendment to the recorded subdivision plat of
LOT 248
TWIN EAGLES, PHASE 8, FINAL PLAT
GALLATIN, SUMNER COUNTY, TENNESSEE
Of Record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee

Document Prepared by:
Blue Ridge Surveying, Inc.
231 Witherspoon Avenue
Gallatin, Tennessee 37066

Blue Ridge Surveying

Brian Reifschneider, RLS

12/20/10
Date

STATE OF TENNESSEE,
SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared Brian Reifschneider with whom I am personally acquainted and who upon oath, acknowledged himself to be the acting Surveyor of Blue Ridge Surveying, Inc., by the sign _____, as such.

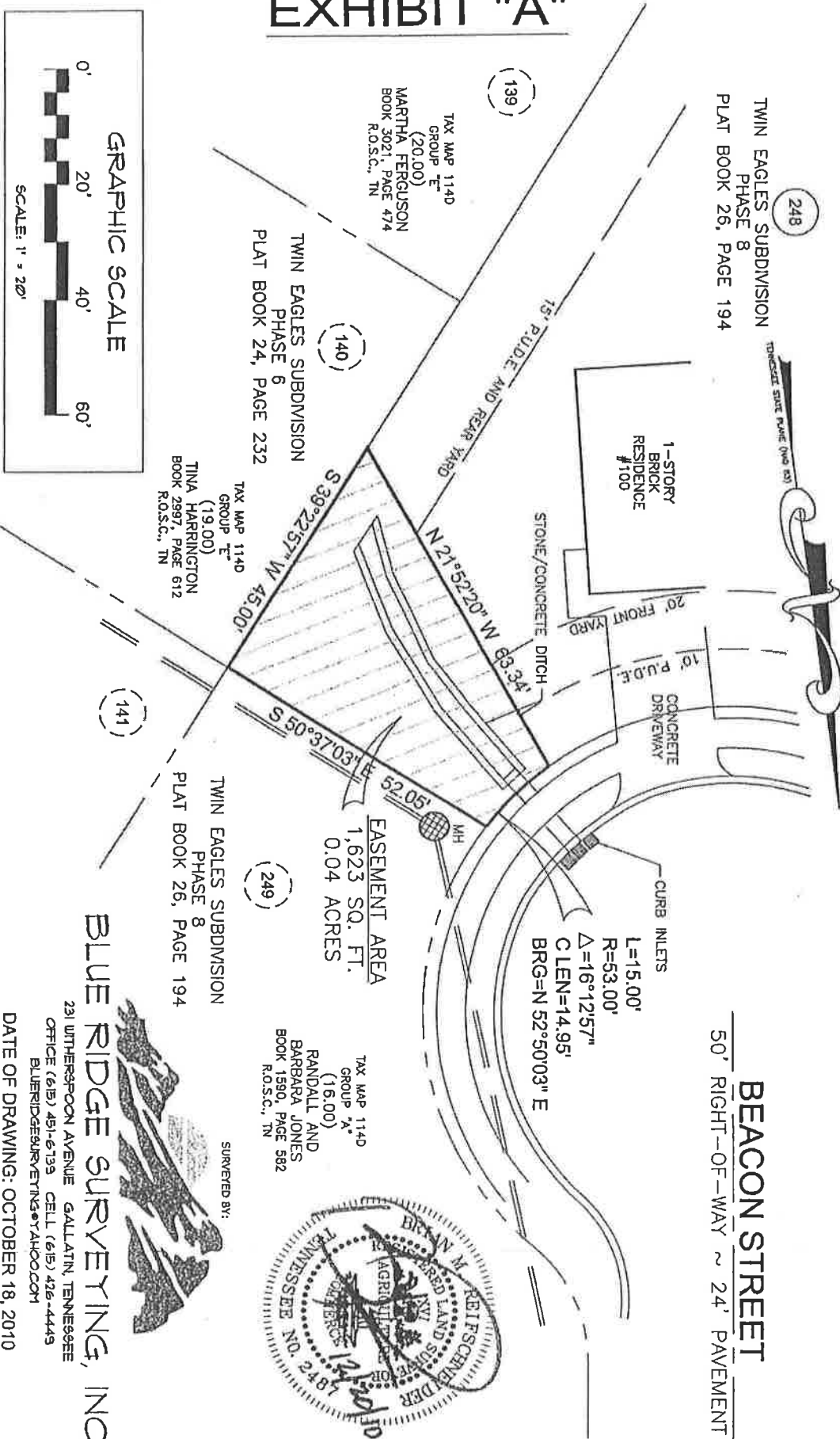
IN WITNESS WHEREOF the party hereto has set their signature this the 20 day of Dec, 2010,

Glenda Troutt
Notary Public

My Commission Expires 4/23/14



EXHIBIT "A"



BLUE RIDGE SURVEYING, INC.

231 WITHERSPON AVENUE GALLATIN, TENNESSEE
 OFFICE (615) 451-6139 CELL (615) 426-4443
 BLUERIDGESURVEYING@YAHOO.COM
 DATE OF DRAWING: OCTOBER 18, 2010





City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: March 26, 2013

TO: Mr. Brian Reifschneider
Blue Ridge Surveying, Inc.
231 Witherspoon Ave.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: March 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Twin Eagles, Phase 8 PC File: PC0108-13

At the above referenced meeting, the request for acceptance of public improvements was:

- ☐ RECOMMENDED
☒ RECOMMENDED WITH CONDITIONS
☐ NOT RECOMMENDED
☐ DEFERRED

Conditions of Approval:

1. The applicant shall submit a copy of Tennessee Department of Environment and Conservation (T.D.E.C.) Notice of Termination (N.O.T.) prior to the City Council meeting.
2. The applicant shall submit a signed/notarized Quit Claim Deed prior to the City Council meeting.
3. The applicant shall submit a maintenance surety in the amount of \$34,000 to the Codes/Planning Department.

- ☐ BUILDING PERMIT/USE AND OCCUPANCY PERMIT
☐ ZONING PERMIT
☐ SIGN PERMIT
☐ LAND DISTURBANCE PERMIT
☐ SIGNAGE CHECK
☐ UTILITY SURETY



City of Gallatin, Tennessee

Codes/Planning Department

- ☒ MAINTENANCE SURETY
- ☐ SUBDIVISION SURETY
- ☐ LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- ☐ COUNCIL SUBMITTAL
- ☐ SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- ☐ OTHER

- ☒ CITY COUNCIL APPROVAL
 - Council Committee: 4/9/13
 - 1st Reading at City Council: 4/16/13

cc: Mr. Randy Jones
Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0108-13

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: **Engineering**

AGENDA # 10

SUBJECT:

Resolution Accepting Public Improvements for Twin Eagles, Phase 8

SUMMARY:

The Planning Commission approved this resolution on March 25, 2013, to accept these public improvements.

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R13Ø4-17

**RESOLUTION APPROVING REVISED JOB DESCRIPTION FOR PROPERTY
MAINTENANCE INSPECTOR AND REMOVING JOB DESCRIPTION FOR PROPERTY
STANDARDS, ZONING AND HOUSING INSPECTOR**

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the job description for the Property Maintenance Inspector (Pay Grade N) attached to this resolution as an Exhibit is hereby approved and implemented into the City of Gallatin Personnel Classification System.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Property Standards, Zoning, and Housing Inspector position (Pay Grade N) is hereby removed from the Personnel Classification System for the City of Gallatin, Tennessee.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect upon final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: _____

NAY: _____

DATED: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

PROPERTY MAINTENANCE INSPECTOR

GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs intermediate technical work in the inspection of housing and property standards and other related issues or complaints, including but not limited to unsafe structures and equipment, care of exterior property areas, and unsafe conditions; does related work as required. Work is performed under general supervision of the Chief of Police.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, reaching, standing, walking, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, noise, hazards, and atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

- Receives complaints regarding properties and structures in violation of the International Property Maintenance Code and related provisions of the Gallatin Municipal Code, and conducts investigations pursuant thereto.
- Performs field inspections of residential, commercial, industrial, and public facilities for compliance with the International Property Maintenance Code and related provisions of the Gallatin Municipal Code.
- Documents deficiencies, compiles reports, and provides photographic evidence of specific violations.
- Recommends rehabilitation or demolition of structures to the Building Official as required.
- Issues administrative orders and citations for violations of the International Property Maintenance Code and related provisions of the Gallatin Municipal Code.
- Provides information to private citizens, contractors, city attorney, and elected officials.
- Testifies in court on code violation cases.
- Cooperates with Building Official and City Planner on matters of joint concern.
- Serves as Health Officer.
- Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Thorough knowledge of property maintenance methods or related general knowledge of state and city housing and related codes, laws, and ordinances; ability to read, interpret, and communicate applicable codes and city ordinances effectively, firmly, and objectively; must be capable of presenting evidence and documentation of case details in an objective and professional manner to City Officials and Courts; ability to detect defective, unsafe, and/or substandard construction and assess property maintenance violations, and recognize proper methods of correction; ability to collect and process photographic evidence, maintain computer records and files in a neat and efficient manner; ability to communicate with private citizens and other City departments and effect satisfactory working relationships or resolve complicated situations with creative and innovative thinking; ability to remain calm in adverse situations while displaying firmness and tact in enforcing property maintenance ordinances and codes.

EDUCATION AND EXPERIENCE:

Graduation from high school or G.E.D. supplemented by experience in a construction environment.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the State of Tennessee. Certification as an International Property Maintenance & Housing Inspector or the ability to obtain certification within one year of employment.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

04/09/2013

DEPARTMENT: POLICE

AGENDA # 4

SUBJECT:

TRANSFER OF PROPERTY MAINTENANCE INSPECTOR FROM CODES TO GALLATIN
POLICE DEPARTMENT

SUMMARY:

The property maintenance inspector's position has been located in the codes department since its creation in 2004. Transferring this position from Codes to the Police Department would generate multiple benefits for the citizens of Gallatin.

- a coordinated approach to the "broken windows" theory of community policing.
- enhanced ability to deal with certain property maintenance issues (e.g. - litter) by citation to general sessions court, rather than municipal court, and exposing violators to larger fines and penalties.
- eliminating dual enforcement by two departments (e.g. - nuisances and abandoned vehicles are already assigned to the police department by the Gallatin Municipal Code and the Tennessee Code Annotated respectively.

RECOMMENDATION:

Both the police department and the codes/planning department support this transfer of position.

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1304-18

RESOLUTION ACCEPTING ALTERNATIVE SURETY FROM THE KROGER COMPANY

WHEREAS, the City of Gallatin rezoned certain property identified as Savannah Marketplace ("the development") by passage of Ordinance No. O0404-016; and

WHEREAS, a condition of the rezoning was that the developer of Savannah Marketplace would make payment to the City of an amount sufficient to defray costs of roadway infrastructure improvements related to the development; and

WHEREAS, a further condition of the rezoning was that no building permits would be issued for Phase I of the development until payment of a percentage of the roadway infrastructure improvement costs occurred; and

WHEREAS, the developer has failed to pay the costs associated with the development as required by the terms of the rezoning; and

WHEREAS, The Kroger Company expended significant sums of money in developing Phase I of the development and opened its facility to the public on March 11, 2010; and

WHEREAS, The Kroger Company is willing to assure payment to the City of the sum of up to \$1,350,920 as determined by the Circuit Court of Sumner County, Tennessee in a lawsuit styled Bell Farms Estates, LLC & Savannah Market Place, LLC v. City of Gallatin, et al, No. 83CCI-2010-CV-858;

WHEREAS, the City previously approved Resolution R1003-6, which permitted The Kroger Company to post a bond to secure said payment to the City, but is willing to accept the guaranty of payment from The Kroger Company in lieu of renewing said payment bond;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, the City of Gallatin hereby accepts the guaranty of payment agreement ("the Guaranty") executed by The Kroger Company and attached to this Resolution as an Exhibit.

BE IT FURTHER RESOLVED that upon execution and delivery of the Guaranty, the City will release and return the payment bond to The Kroger Company.

BE IT FURTHER RESOLVED the City shall reimburse to The Kroger Company the sum of \$202,000 upon the occurrence of both of the following: 1) the receipt by the City of the first \$202,000 under the American Recovery and Reinvestment Act of 2009 pursuant to Grant No. ARRA-STP-M-2041(1), TDOT Pin # 104444.00; and 2) the prior payment by The Kroger Company of the sum of \$1,350,920. Said reimbursement shall be made to the Kroger Company within thirty (30) days of receipt by the City.

BE IT FURTHER RESOLVED that both the obligations of the City and The Kroger Company pursuant to this Resolution shall be of no force and effect upon the City's receipt of full payment of sums currently owing to the City by the developer.

BE IT FURTHER RESOLVED that nothing in this Resolution is intended or shall serve as a release, accord or other satisfaction of the payment or other obligations required of the developer pursuant to the provisions of Ordinance No. O0404-016, said ordinance requiring the passage of a legislative act of equal dignity to modify its original terms.

BE IT FURTHER RESOLVED that this resolution shall take effect on final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE: ____

NAY: ____

DATED: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

AMENDMENT TO AGREEMENT

This Amendment to Agreement made on _____, 2013, between the City of Gallatin, a Tennessee municipal corporation (*hereinafter referred to as the City*), and Kroger Limited Partnership I, an Ohio limited partnership authorized to do business in the State of Tennessee (*hereinafter referred to as Kroger*).

Whereas, the City and Kroger entered into an Agreement dated May 9, 2010 (the "Agreement") regarding obligations due the City by the developer of Savannah Market Place ("Developer Obligations");

Whereas, Kroger was issued a certificate of occupancy by the City after Kroger, subject to the terms and conditions set forth in the Agreement, assured payment of certain Developer Obligations within one year of passage of Resolution R1003-6 (the "Payment Period") and posted a financial guarantee bond to assure payment of this sum;

Whereas, by Amendment to Agreement dated March 9, 2011 and by Amendment to Agreement dated March 9, 2012, the Payment Period has been extended until May 9, 2013; and

Whereas, the dispute between the City and the developer of Savannah Market Place over the Developer Obligations is currently pending before the Circuit Court for Sumner County, Tennessee, and the City and Kroger agree it is in the best interest of both parties to extend the Payment Period by an additional one (1) year.

Now, therefore, the City and Kroger agree that the Payment Period shall be extended for an additional one (1) year and shall expire on May 9, 2014. The City agrees that it is no longer necessary for Kroger to post bond in this matter, and Kroger agrees that it will provide a replacement surety for its obligations in the form of a guaranty by Kroger's parent company, The Kroger Co. The Kroger Co. guarantees the obligations of Kroger under the Agreement and signs this Amendment to Agreement for that purpose.

Except as modified in this Amendment to Agreement, all terms of the Agreement shall remain in full force and effect. This document may be signed in counterparts.

[Signature Page Follows]

IN WITNESS WHEREOF, Kroger, the City, and The Kroger Co. have executed this Amendment to Agreement the day and year first written above.

CITY OF GALLATIN, TENNESSEE

KROGER LIMITED PARTNERSHIP I

By KRGP, Inc., Its General Partner

BY: _____

BY: _____

ITS: _____

THE KROGER CO.

BY: _____

ITS: _____

ATTEST:

Connie Kittrell, City Recorder

APPROVED AS TO FORM:

Joe H. Thompson, City Attorney for Gallatin, Tennessee

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Kroger Co.**Issuer Credit Rating**

	Ratings	Rating Date	Regulatory Identifiers	Last Credit Rating Action
Foreign Long Term	BBB	30-Sep-2009	EE	30-Sep-2009 Outlook STABLE
Foreign Short Term	A-2	30-Sep-2009	EE	
Local Long Term	BBB	30-Sep-2009	EE	30-Sep-2009 Outlook STABLE
Local Short Term	A-2	30-Sep-2009	EE	

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Cincinnati-based grocery store operator Kroger Co. Issued \$450 million of senior unsecured notes, and we expect Kroger to use the proceeds to fund a payment to a multiemployer pension fund. Since we adjust debt for multiemployer pension liabilities, ...

[Kroger Co. Gets New Revolving Credit Facility: All Ratings, Including The 'BBB' Corp. Credit Rating, Affirmed](#)
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Cincinnati-based Kroger Co. is entering into an unrated \$2.0 billion revolving credit facility that will mature in 2014 to replace its \$2.5 billion facility. The facility will provide the company with liquidity for operations and back up its commerci...

[Research Update: Kroger Co. 'BBB-' Rating Affirmed Following Review Of Multi-Employer Pension Plan Deficits](#)
30-Jun-2009 13:12

We have completed our review of Kroger's multi-employer pension plan deficits. Following our review, we are affirming our 'BBB-' rating on the company. The positive outlook reflects the possibility of a rating upgrade if management follows through wi...

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The following premium resources are available from RatingsDirect - the real-time, Web-based source for Standard & Poor's global credit ratings, research, and risk analysis.

[Summary: Kroger Co.](#)
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13-Feb-2013 13:57

In the never-ending search for growth, mergers and acquisitions (M&A) are a tried-and-true corporate strategy. That very much holds for the U.S. consumer packaged foods, beverages, and durables sectors, which is our focus here. But like all other fin...

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Kroger Co. 'BBB' Rating Affirmed After Senior Unsecured Notes Issuance; Outlook Stable

Publication date: 13-Jan-2012 15:35:53 EST

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- Cincinnati-based grocery store operator Kroger Co. issued \$450 million of senior unsecured notes, and we expect Kroger to use the proceeds to fund a payment to a multiemployer pension fund.
- Since we adjust debt for multiemployer pension liabilities, the action does not materially affect pro forma and forecasted credit metrics in our view.
- We are affirming our ratings, including the 'BBB' corporate credit rating, on Kroger Co. and assigning a 'BBB' rating to the company's \$450 million senior unsecured notes.
- The stable outlook incorporates our expectation that the company will have consistent sales growth and steady credit metrics in the near term.

NEW YORK (Standard & Poor's) Jan. 13, 2012--Standard & Poor's Ratings Services said today that it affirmed all its ratings, including the 'BBB' corporate credit rating, on Kroger Co. and at the same time, we assigned a 'BBB' issue-level rating to the company's \$450 million senior unsecured note issue due in 2017. We expect the company to use proceeds of the notes to fund a payment of approximately \$650 million to a newly formed multiemployer pension fund. This multiemployer pension fund was formed through the merger of four smaller funds, in which Kroger employees comprise the vast majority of active participants.

"Our stable rating outlook on Kroger reflects our belief that profitability will improve in 2012 as a result of lower MEPP contributions and sales growth, leading to better credit protection measures," said Standard & Poor's credit analyst Chuck Pinson-Rose. He added, "Moreover, we expect Kroger, with its pricing, customer loyalty, and merchandising strategies, to enhance its already very good presence in many of its markets."

We consider either a positive or negative rating action unlikely in the near term, given our operating expectations and the company's financial policies, which we believe will lead to relatively unchanged debt levels. However, we would consider lowering our rating if Kroger maintained leverage in the mid-3x area because of weak performance, in turn a result of greater-than-expected margin contraction or if Kroger adopts more aggressive financial policies such as debt-financed share repurchases. Given the adjusted debt levels we expect, unadjusted EBITDA would have to be near \$3.5 billion in 2012--about 19% lower than our expectations--to be near that threshold.

Conversely, we would consider a higher rating if leverage was in the low-2x area and adjusted debt levels met our expectations. This would require unadjusted EBITDA of about \$5.2 billion, roughly 25% greater than our forecast in 2012. Given the competitive industry, we do not envision such a scenario in the near term.

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RELATED CRITERIA AND RESEARCH

- [Liquidity Descriptors For Global Corporate Issuers](#), Sept. 28, 2011
- [Business Risk/Financial Risk Matrix Expanded](#), May 27, 2009
- [2008 Corporate Criteria: Analytical Methodology](#), April 15, 2008

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Complete ratings information is available to subscribers of RatingsDirect on the Global Credit Portal at www.globalcreditportal.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com. Use the Ratings search box located in the left column.

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charles_pinson-rose@standardandpoors.com

Secondary Contact: Ana Lal, New York (1) 212-438-7895;
ana_lal@standardandpoors.com

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 INVESTMENT GRADE	'AAA'	Extremely strong capacity to meet financial commitments. Highest rating
	'AA'	Very strong capacity to meet financial commitments
	'A'	Strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances
	'BBB'	Adequate capacity to meet financial commitments, but more subject to adverse economic conditions
	'BBB-'	Considered lowest investment grade by market participants
 SPECULATIVE GRADE	'BB+'	Considered highest speculative grade by market participants
	'BB'	Less vulnerable in the near-term but faces major ongoing uncertainties to adverse business, financial and economic conditions
	'B'	More vulnerable to adverse business, financial and economic conditions but currently has the capacity to meet financial commitments
	'CCC'	Currently vulnerable and dependent on favorable business, financial and economic conditions to meet financial commitments
	'CC'	Currently highly vulnerable
	'C'	A bankruptcy petition has been filed or similar action taken, but payments of financial commitments are continued
	'D'	Payments default on financial commitments
Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.		

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

March 26, 2013

DEPARTMENT: CITY ATTORNEY

AGENDA #

SUBJECT:

Kroger Surety on Savannah

SUMMARY:

Kroger has requested that it be permitted to provide a guaranty to any sums owed by Savannah, LLC in lieu of renewing their bond. City Attorney is comfortable with guaranty as long as it is provided by Kroger parent company. See attached email.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved
Rejected
Deferred

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Notes:

RESOLUTION NO. R1304-19

**RESOLUTION APPOINTING INTERIM PERSONNEL OFFICIAL AND
SETTING COMPENSATION RATE**

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, as follows:

As Amy Summers, Personnel Specialist, has temporarily been assigned additional duties and responsibilities due to the vacancy in the office of Personnel Official, additional compensation is temporarily warranted.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that Amy Summers, Personnel Specialist, shall receive additional compensation to Step MB 0 of the Personnel Official job classification, resulting in an hourly rate change from \$18.65 to \$25.55.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that said additional compensation shall cease when the additional duties are no longer performed as determined by the Mayor or City Council.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect retroactively to April 8, 2013, the date of the assumption of additional duties, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: _____

NAY: _____

DATED: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

